

★ Roll Call Number

18-0081

Agenda Item Number

17A ✓

Date April 23, 2018

**SET HEARING FOR VACATION AND CONVEYANCE OF EXCESS STREET RIGHT OF WAY LOCATED AT THE NORTHWEST CORNER OF 16<sup>TH</sup> STREET AND DAY STREET TO MADDEN CONSTRUCTION, INC. FOR \$4,000.00**

**WHEREAS**, on April 5, 2018, the City Plan and Zoning Commission voted to recommend approval of a request from R. M. Madden Construction, Inc. (owner) for vacation of excess street right-of-way located at the northwest corner of 16<sup>th</sup> Street and Day Street ("Property") to allow for re-development with a single family dwelling; and.

**WHEREAS**, R. M. Madden Construction, Inc. has offered to the City of Des Moines, Iowa, the purchase price of \$4,000.00 for the purchase of said Property in order to construct a new, affordable single-family home on the Property, which price reflects the fair market value of said Property as determined by the City's Real Estate Division; and

**WHEREAS**, the City has no known current or anticipated public need for the Property proposed to be sold and the City will not be inconvenienced by the vacation and sale of said Property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of excess street right of way located at the northwest corner of 16<sup>th</sup> Street and Day Street, Des Moines, Iowa legally described as follows:

ALL OF LOT 28, AND THE SOUTH 10 FEET OF LOT 27, CURL AND SMOUSE'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6250 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated excess street right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: R. M. Madden Construction, Inc.

Consideration: \$4,000.00

Legal Description:

ALL OF LOT 28, AND THE SOUTH 10 FEET OF LOT 27, CURL AND SMOUSE'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6250 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such excess street right-of-way is to be considered shall be on May 7, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.



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- 4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
- 5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

*Lisa A. Wieland*

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

*T. M. Franklin* Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

*Diane Rauh* City Clerk