

★ Roll Call Number

18-0803

Agenda Item Number

44

Page 1

Date May 7, 2018

HOLD HEARING FOR VACATION AND CONVEYANCE OF EXCESS STREET RIGHT OF WAY LOCATED AT THE NORTHWEST CORNER OF 16TH 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 16th 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, there is no known current or future public need for the excess street right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property; and

WHEREAS, on April 23, 2018, by Roll Call No. 18-0681, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the excess street right-of-way be set for hearing on May 7, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey a portion of the excess street right-of-way located at the northwest corner of 16th Street and Day Street was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of a portion of excess street right-of-way located at the northwest corner of 16th Street and Day Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said excess street right-of-way, legally described as follows, and said vacation is hereby approved:



Roll Call Number

18-0803

Agenda Item Number

44

Page 2

Date May 7, 2018

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. The proposed sale of such vacated excess street right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, is hereby approved:

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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantees.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org -- EG064090.



Roll Call Number

18-0803

Agenda Item Number

44

Date May 7, 2018

Page 3

(Council Communication No. 18-226)

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO				✓
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED APPROVED

[Signature] 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.

[Signature] City Clerk