



Roll Call Number

18-1575

Agenda Item Number

15

Date September 24, 2018

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 12<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1157 12<sup>TH</sup> STREET AND CONVEYANCE TO LARS VINZ FOR \$150.00**

**WHEREAS**, on September 10, 2018, by Roll Call No. 18-1500, the City Council of the City of Des Moines, Iowa voted to approve a request from Lars Vinz, owner of 1157 12<sup>th</sup> Street, to vacate the east 7 feet of 12<sup>th</sup> Street right-of-way adjoining 1157 12<sup>th</sup> Street, Des Moines, Iowa, subject to the following conditions:

1. Retention of adequate right-of-way to satisfy the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or relocated.
3. A sidewalk shall be provided within the remaining 12<sup>th</sup> Street right-of-way at any time that the adjoining property is redeveloped; and

**WHEREAS**, Lars Vinz, owner of 1157 12<sup>th</sup> Street, has offered to the City of Des Moines (“City”) the purchase price of \$150.00 for the purchase of the vacated east 7 feet of 12<sup>th</sup> Street right-of-way lying west of and adjoining 1157 12<sup>th</sup> Street (hereinafter “Property”), for assemblage with the adjoining parcels, which price reflects the fair market value of the 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, subject to reservation of easements therein and the reservation of a restrictive covenant requiring a sidewalk to be provided within the remaining 12<sup>th</sup> Street right-of-way at any time that the adjoining property is redeveloped, 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 the east 7 feet of 12<sup>th</sup> Street right-of-way adjoining 1157 12<sup>th</sup> Street, Des Moines, Iowa legally described as follows:

THE EAST 7 FEET OF 12TH STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 15 COGGESHALL AND HUNTS ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND CONTAINING APPROXIMATELY 910 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated street right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein and further subject to the condition that a sidewalk shall be provided within the remaining 12<sup>th</sup> Street right-of-way at such time in the future that the adjoining property is redeveloped:



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Grantee: Lars Vinz

Consideration: \$150.00

Legal Description: THE VACATED EAST 7 FEET OF 12TH STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 15 COGGESHALL AND HUNT'S ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND CONTAINING APPROXIMATELY 910 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 October 8, 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.
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:

[Signature of Lisa A. Wieland]

Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7).

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 of Diane Rauh]

City Clerk

[Signature of J. M. Frankhu Cowrie] Mayor