



Roll Call Number

18-1704

Agenda Item Number

42

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Date October 8, 2018

**HOLD 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 12th 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.

**WHEREAS**, on September 24, 2018, by Roll Call No. 18-1575, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on October 8, 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 the east 7 feet of 12th Street right-of-way adjoining 1157 12th Street, Des Moines, Iowa, 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:



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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the east 7 feet of 12<sup>th</sup> Street right-of-way adjoining 1157 12<sup>th</sup> Street, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said street right-of-way, legally described as follows, and said vacation is hereby approved:

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.

3. The proposed sale of such vacated street right-of-way, as legally described below 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, is hereby approved:

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 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.

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.



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

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Signature of Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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 J. M. Frank for Mayor

Signature of Diane Rauh, City Clerk