

★ Roll Call Number
19-1098

Agenda Item Number
24

Date July 15, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS CITY-OWNED RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF SOUTH UNION STREET AND HARTFORD AVENUE AND CONVEYANCE TO MARIA GONZALEZ FOR \$1,000.00

WHEREAS, on August 4, 2016 the City Plan and Zoning Commission voted to recommend approval of a request from Ronald and Melissa Oxford to vacate a portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union Street, Des Moines, Iowa, to allow for assemblage and continued access to the adjoining Oxford property at 24 Hillside Avenue, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated; and
2. Any vacated right-of-way shall be combined with the house and garage parcels; and

WHEREAS, August 22, 2016, by Roll Call No. 16-1399, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission recommending approval of the request from Ronald and Melissa Oxford to vacate said portion of undeveloped Hartford Avenue right-of-way, subject to the above conditions; and

WHEREAS, subsequent to the City Council vote, Ronald and Melissa Oxford withdrew their offer to purchase the vacated Hartford Avenue right-of-way thereby removing the need for the second Plan and Zoning Commission condition; and

WHEREAS, Maria Gonzalez, has now offered to the City of Des Moines ("City") the purchase price of \$1,000.00 for the purchase of a portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union Street (hereinafter "Property"), to allow for redevelopment with residential housing, 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 vacated and sold, subject to reservation of easements therein, 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:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union Street, Des Moines, Iowa, legally described as follows:

THE WEST 210 FEET OF LOT 218, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.24 ACRES (10,500 SQUARE FEET).

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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:

Grantee: Maria Gonzalez

Consideration: \$1,000.00

Legal Description: THE VACATED WEST 210 FEET OF LOT-218, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.24 ACRES (10,500 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such street right-of-way is to be considered shall be August 5, 2019, 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:

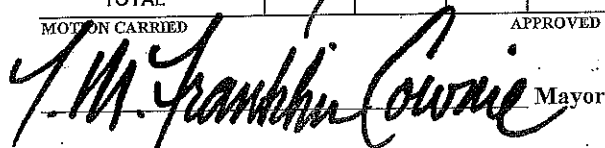


Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

 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.

 City Clerk