

★ Roll Call Number
19-1209

Agenda Item Number
26

Date August 5, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED NORTH OF 816 SHAW STREET BETWEEN SOUTHEAST 8TH STREET AND SOUTHEAST 9TH STREET AND CONVEYANCE TO RICHARD A. ANDERSON AND LINDA K. CASAS FOR \$150.00

WHEREAS, on May 16, 2019, the Plan and Zoning Commission voted to recommend approval of a request from Linda Casas and Richard Anderson to vacate the north/south alley between southeast 8th Street and Southeast 9th Street from Scott Avenue on the north to the vacated east/west alley on the south, adjoining Polk County District/Parcel No. 040/01409-002-000, to allow for assemblage and fencing with the adjoining property, subject to the following conditions:

- (1) Reservation of any necessary easements for any existing utilities in place until such time they are abandoned or relocated; and
- (2) All parcels in the vicinity owned by the applicant must be combined and recorded with Polk County; and

WHEREAS, Richard A. Anderson and Linda K. Casas, owners of 816 Shaw Street and Polk County District/Parcel No. 040/01409-002-000, have offered to the City of Des Moines ("City") the purchase price of \$150.00 for the purchase of the vacated north/south alley right-of-way between southeast 8th Street and Southeast 9th Street from Scott Avenue on the north to the vacated east/west alley on the south, Des Moines, Iowa (hereinafter "Property"), to allow for assemblage and fencing with their adjoining property, 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 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 the north/south alley right-of-way between southeast 8th Street and Southeast 9th Street from Scott Avenue on the north to the vacated east/west alley on the south, Des Moines, Iowa, legally described as follows:

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 52, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 10 IN SAID BLOCK 52; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF LOTS 10 AND 9 IN SAID BLOCK 52, TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF LOT 2 IN SAID BLOCK 52; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF LOTS 2 AND 1 IN SAID BLOCK 52, TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING; AND CONTAINING APPROXIMATELY 0.05 ACRES (2,240 SQUARE FEET).

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2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way, as legally described and to the grantees and for the consideration identified below, subject to the reservation of easements for utilities therein, and further subject to the Grantee combining and recording with Polk County all of the contiguous parcels in the vicinity that are owned by the Grantee:

Grantee: Richard A. Anderson and Linda K. Casas

Consideration: \$150.00

Legal Description: ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 52, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10 IN SAID BLOCK 52; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF LOTS 10 AND 9 IN SAID BLOCK 52, TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF LOT 2 IN SAID BLOCK 52; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF LOTS 2 AND 1 IN SAID BLOCK 52, TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING; AND CONTAINING APPROXIMATELY 0.05 ACRES (2,240 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such alley right-of-way is to be considered shall be August 19, 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.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PCW

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

MOTION CARRIED

APPROVED

J. M. Frankhu Cowrie 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