



Roll Call Number

19-1210

Agenda Item Number

27

Date August 5, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF THE SOUTH HALF OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 925 SOUTHEAST 9TH STREET TO TERI L. WITT COSPER

WHEREAS, on August 2, 1993, by Roll Call No. 93-3084, the City Council of the City of Des Moines, Iowa voted to approve Ordinance 12,030 authorizing the vacation of a portion of the east-/west alley right-of-way in the vicinity of Southeast 9th Street and Railroad Avenue, and conveyance of the south half of said vacated east/west alley right-of-way lying north of and adjoining 925 Southeast 9th Street, Des Moines, Iowa, (hereinafter "Property") to Edwin L. Oliver and Joan P. Oliver for \$50.00 plus additional costs incidental to the conveyance; and

WHEREAS, on July 26, 1993 the City of Des Moines received payment in the amount of \$126.00 from Edwin and Joan Oliver for the purchase of the Property; and

WHEREAS, on August 17, 2001, Edwin L. Oliver and Joan P. Oliver sold their property at 925 Southeast 9th Street to Randy Cosper and Teri Witt Cosper, however the south half of east/west alley right-of-way lying north of and adjoining 925 Southeast 9th Street was not included in the sale; and

WHEREAS, the City's Real Estate Division has been unable to locate any record of the vacated alley conveyance being filed of record with the Polk County Recorder; and

WHEREAS, Teri Witt Cosper has requested the City issue a replacement quit claim deed conveying the Property to her for no consideration, as consideration was previously paid in full by Edwin L. Oliver and Joan P. Oliver, in order to create clear, marketable title to the Property in her name; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey the south half of the vacated east/west alley right-of-way lying north of and adjoining 925 Southeast 9th Street, as legally described, to the grantee, and for no consideration, subject to a reservation of easements therein:

Grantee: Teri L. Witt Cosper

Consideration: None

Legal Description: THE SOUTH HALF OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 1 AND 2, BLOCK 72, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND



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FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND CONTAINING APPROXIMATELY 900 SQUARE FEET.

- 2. A public hearing shall be held on August 19, 2019, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. 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, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL. Includes handwritten 'PSW' and '7'.

Signature of J. M. Frankel, 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 of Diane Rauh, City Clerk