



Roll Call Number

19-1257

Agenda Item Number

64

Page 1

Date August 5, 2019

HOLD 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; and

WHEREAS, on July 15, 2019, by Roll Call No. 19-1098, 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 August 5, 2019, 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 portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union 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

★ Roll Call Number

19-1257

Agenda Item Number

69

Date August 5, 2019

Page 2

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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

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

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).

3. The proposed sale of such vacated 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, is hereby approved:

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).

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

★ Roll Call Number
19-1257

Agenda Item Number
64

Date August 5, 2019

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 grantee.

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:

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

RW

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

J. M. Franklin Cownie 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