



Roll Call Number

19-1354

Agenda Item Number

51

Date August 19, 2019

HOLD 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 Real Estate Division has been unable to locate any record of the 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 for the Property proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said Property; and

WHEREAS, on August 5, 2019 by Roll Call No. 19-1210, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on August 19, 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 convey the Property 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 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 conveyance of the south half of the vacated east/west alley right-of-way lying north of and adjacent to 925 Southeast 9th 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 excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the south half of the vacated east/west alley right-of-way lying north of and adjoining 925 Southeast 9th Street, Des Moines, Iowa, legally described as follows, to Teri L. Witt Cosper for no consideration, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

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

3. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. 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.

5. 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.

6. 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 copies of the other documents to the grantee.

7. There are no proceeds associated with this conveyance.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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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