



Roll Call Number

19-2063

Agenda Item Number

61

Date December 16, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR ISSUANCE OF A REPLACEMENT QUIT CLAIM DEED CONVEYING A PORTION OF VACATED BRYANT STREET RIGHT-OF-WAY TO BENNY GENOVESE AND DIANE MARIE RENZO

WHEREAS, on May 2, 1949, by Roll Call No. 608, the City Council of the City of Des Moines, Iowa voted to approve the vacation of Bryant Street right-of-way extending from the East right-of-way line of Courtland Drive to the West right-of-way line of Southwest First Street (excepting therefrom a strip of ground ten (10) feet in width, being five (5) feet on either side of the center line of Bryant Street and extending the full length of said street); and

WHEREAS, said property was vacated pursuant to Ordinance No. 5102, which passed on March 28, 1949; and

WHEREAS, in 1949, Cecelia Hornbostel, owner of 1967 Courtland Drive, offered to the City of Des Moines ("City") the purchase price of \$18.00 for the purchase of the vacated Bryant Street right-of-way adjoining 1967 Courtland Drive (hereinafter "Property"), which price reflected the fair market value of the City Property at the time; and

WHEREAS, in 1949, the City of Des Moines issued a quit claim deed conveying the Property to Mrs. Hornbostel, but no record exists of said deed being filed of record with the Polk County Recorder; and

WHEREAS, Benny Genovese and Diane Marie Renzo, current owners of 1967 Courtland Drive, have asked the City of Des Moines to issue a Replacement Quit Claim Deed conveying the Property to them in order to clear title to their property; 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 issuing a Replacement Quit Claim Deed conveying the Property to Benny Genovese and Diane Marie Renzo; and

WHEREAS, on December 2, 2019 by Roll Call No. 19-1919, 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 December 16, 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.



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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 conveyance of the vacated Bryant Street right-of-way adjoining 1967 Courtland Drive, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the vacated City right-of-way proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the vacated Bryant Street right-of-way adjoining 1967 Courtland Drive, Des Moines, Iowa, legally described as follows, to Benny Genovese and Diane Marie Renzo, 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 FIFTEEN (15) FEET OF BRYANT STREET (PARALLEL TO THE CENTER LINE) ABUTTING LOT ONE (1), RUSTON HEIGHTS, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND EXTENDING FROM THE EAST RIGHT-OF-WAY LINE OF COURTLAND DRIVE TO A POINT ONE HUNDRED TWENTY-THREE (123) FEET EASTERLY, (MEASURED ALONG THE SOUTH LINE OF BRYANT STREET);

VACATED BY ORDINANCE NO. 5102, PASSED MARCH 28, 1949.

3. The Mayor is authorized and directed to sign the Replacement 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 Replacement 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 Replacement 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 Replacement 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 Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

*Council Member Gatto abstains from voting based on an appearance of a conflict of interest.

POW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
*GATTO				
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			
MOTION CARRIED			APPROVED	

T. M. Franklin Cownie Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik

City Clerk