

27

Date March 9, 2015

**SET HEARING FOR VACATION AND CONVEYANCE OF THE EAST/WEST ALLEY
RIGHT-OF-WAY IN THE BLOCK BOUNDED BY FOREST AVENUE, INDIANA
AVENUE, 3RD STREET AND 4TH STREET TO FOREST AVENUE OUTREACH FOR \$150**

WHEREAS, on December 8, 2014, by Roll Call No. 14-1887, the City Council referred a request for vacation of the east-west alley right-of-way in the vicinity of 334 Forest Avenue to the Community Development Department and Plan and Zoning Commission for review and recommendation as a City-initiated vacation request; and

WHEREAS, on January 26, 2015, by Roll Call No. 15-0101, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request for the vacation of the east-west alley right-of-way in the vicinity of 334 Forest Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are relocated, and reservation of right of entry for servicing same; and

WHEREAS, Forest Avenue Outreach, owner of 334 Forest Avenue, Ralph Chiodo, II, President, has offered to the City of Des Moines the total purchase price of \$150.00 for the purchase of the vacated alley right-of-way for incorporation into the adjoining property in order to allow for driveway access to the south end of 334 Forest Avenue, which price reflects the fair market value of said vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the City right-of-way proposed to be vacated and sold 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, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating all of the east-west alley right-of-way in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street and 4th Street, legally described as follows:

ALL THAT PART OF THE EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING LOTS 29, 30 AND 31, RUTHERFURD HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2005 SQUARE FEET.

2. That if the City Council decides to vacate the above described alley right-of-way, the City of Des Moines further proposes to sell such vacated right-of-way, as described below, to the grantees and for the consideration identified below:

Date March 9, 2015

To: Forest Avenue Outreach For: \$150

ALL THAT PART OF THE VACATED EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING LOTS 29, 30 AND 31, RUTHERFURD HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2005 SQUARE FEET.

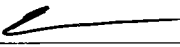
3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on March 23, 2015, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Cori Kuhn Coleman
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

 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.

 City Clerk

EXHIBIT A

4th St

Forest Ave

LOT 31

LOT 30

LOT 29

4th St

3rd St

RUTHERFURD HEIGHTS

Indiana Ave

Legend

 PROJECT LOCATION

