

★ Roll Call Number

13-2003

Agenda Item Number

47

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Date December 23, 2013

**HOLD HEARING FOR CONVEYANCE OF VACATED SEGMENTS OF THE NORTH-SOUTH ALLEY NORTH OF CLEVELAND AVENUE AND SOUTH OF WASHINGTON AVENUE BETWEEN E. 18<sup>TH</sup> STREET AND DE WOLF STREET TO CRANE CHAPEL CHURCH OF GOD IN CHRIST FOR \$200 AND TO JOSHUA SMITH FOR \$75**

**WHEREAS**, on August 3, 1981, by Roll Call No. 3987, City Council approved and adopted Ordinance No. 9,985 vacating all of the north/south alley right-of-way north of Cleveland Avenue and south of Washington Avenue between East 18<sup>th</sup> Street and De Wolf Street, including two segments thereof adjoining the real properties locally known as 1440 De Wolf Street and 1451 East 18<sup>th</sup> Street respectively (collectively "Property"), as legally described below, subject to the City Plan and Zoning Commission recommendation that said vacation be subject to reservation of easements for all utilities in place within the vacated right-of-way; and

**WHEREAS**, Crane Chapel Church of God in Christ owns the real property locally known as 1440 De Wolf Street, adjoining one segment of the Property, and has offered to the City of Des Moines the purchase price of \$200.00 for the purchase of such vacated segment of City-owned property, which price reflects the fair market value of said segment of the Property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, Joshua Smith owns the real property locally known as 1451 East 18th Street, adjoining the second segment of the Property, and has offered to the City of Des Moines the purchase price of \$75.00 for the purchase of such vacated segment of City-owned property, which price reflects the fair market value of said segment of the Property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

**WHEREAS**, on December 9, 2013 by Roll Call No. 13-1891, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on December 23, 2013, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the Property was given 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 this 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, that:

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1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed conveyance of excess City-owned real property, as described below, 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 segments of vacated north/south alley right-of-way north of Cleveland Avenue and south of Washington Avenue between 18<sup>th</sup> Street and De Wolf Street, adjoining the real properties locally known as 1440 De Wolf Street and 1451 East 18<sup>th</sup> Street respectively, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements for utility purposes:  
  
To: Crane Chapel Church of God in Christ  
For: \$200.00  
Property – Segment adjoining 1440 De Wolf Street – Legal Description:  
  
THE EAST ½ OF THE VACATED ALLEY LYING WEST OF AND ADJOINING LOTS 12, 13, 14, 15, 16, 17, AND 18 AND THE WEST ½ OF THE VACATED ALLEY LYING EAST OF AND ADJOINING LOTS 33 AND 34, BLOCK 2, DE WOLF'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.  
  
To: Joshua Smith  
For: \$75.00  
Property – Segment adjoining 1451 East 18<sup>th</sup> Street – Legal Description:  
  
THE WEST ½ OF THE VACATED ALLEY LYING EAST OF AND ADJOINING LOTS 36, 37 AND 38, BLOCK 2, DE WOLF'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
3. That the sale and conveyance of such property to Crane Chapel Church of God in Christ for \$200.00 and to Joshua Smith for \$75.00, respectively, together with payment by the grantees of the estimated publication and recording costs for these transactions, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offers to Purchase and the Quit Claim Deeds for the conveyances 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 originals of the Deeds, together with a certified copy of

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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. Following closing, the Real Estate Division Manager is authorized and directed to forward the originals of the Deeds, 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.

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 Deeds and copies of the other documents to the grantees.

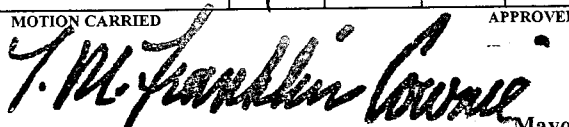
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 13- 616 )

Moved by Mahaffey to adopt

APPROVED AS TO FORM:

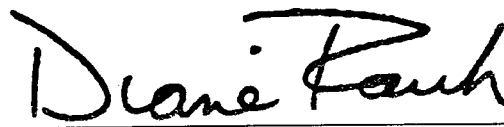
Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
GRIESS	✓			
MAHAFFEY	✓			
VOSS	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
 T. M. Franklin 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