

Date December 23, 2013

HOLD HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF EAST 26TH STREET RIGHT-OF-WAY ADJOINING 2597 DEAN AVENUE TO JOHNSON BROTHERS OF IOWA, INC., FOR \$625

WHEREAS, a segment of City-owned East 26th Street right-of-way (herein "City Right-of-Way") lying west of and adjoining the real property locally known as 2597 Dean Avenue has been determined by the City Engineer and City Traffic Engineer to have no significant impact upon public access, and to be no longer needed for City or public purposes; and

WHEREAS, Johnson Brothers of Iowa, Inc. is the owner of the real property locally known as 2597 Dean Avenue adjoining the City Right-of-Way, and has offered to the City of Des Moines the purchase price of \$625.00 for the purchase of the City Right-of-Way for incorporation into its property and to allow for business expansion, which purchase price reflects the fair market value of the City 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, the City and public will not be inconvenienced by the vacation and sale of said property, and City staff report and recommend that the proposed vacation and conveyance be approved; and

WHEREAS, on December 9, 2013, by Roll Call No. 13-1893, it was duly resolved by the City Council that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on December 23, 2013, at 5:00 p.m., in the City Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey the City Right-of-Way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said 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 said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a segment of East 26th Street right-of-way lying west of and adjoining 2597 Dean Avenue, more specifically described as follows:

Date December 23, 2013

THE EAST 11.21 FEET OF THE SOUTH 55.6 FEET OF ALL THAT PART OF EAST 26TH STREET RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF DEAN AVENUE, AS IT IS PRESENTLY ESTABLISHED, AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD, AS IT IS PRESENTLY ESTABLISHED, BEING PART OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The proposed sale of such vacated right-of-way, as legally described below, to Johnson Brothers of Iowa, Inc. for \$625.00, is hereby approved:

THE VACATED EAST 11.21 FEET OF THE SOUTH 55.6 FEET OF ALL THAT PART OF EAST 26TH STREET RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF DEAN AVENUE, AS IT IS PRESENTLY ESTABLISHED, AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD, AS IT IS PRESENTLY ESTABLISHED, BEING PART OF THE OFFICIAL PLAT OF THE SOUTH HALF (1/2) OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

5. Upon final passage of an ordinance vacating said right-of-way and 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 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. Following closing, the Real Estate Division Manager is authorized and directed to forward the original of the 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.

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 copies of the other documents to the grantee.

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

(Council Communication No. 13-614)

★ Roll Call Number

13-2007

Agenda Item Number

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Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

PSU

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			

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

MOTION CARRIED APPROVED T. M. Franklin Mayor