



Roll Call Number

14-0790

Agenda Item Number

37

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Date May 19, 2014

HOLD HEARING FOR CONVEYANCE OF A PORTION OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 2815 FRANKLIN AVENUE TO BEVERLY J. MUGAN FOR \$270

WHEREAS, August 23, 1999, by Roll Call No. 99-2691, City Council approved and adopted Ordinance No. 13,746 vacating the east/west alley right-of-way between Franklin Avenue and Allison Avenue, extending east from 30th Street, including the portions thereof adjoining 2815 Franklin Avenue, subject to the reservation of an easement for all utilities in place and reservation of right of entry for servicing same; and

WHEREAS, Beverly J. Mugan, owner of 2815 Franklin Avenue, has offered to the City of Des Moines the purchase price of \$270 for the purchase of the portion of the vacated alley right-of-way adjoining 2815 Franklin Avenue for incorporation into her adjoining property, which price reflects the fair market value of said portion of 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 for the vacated alley right-of-way proposed to be sold and the City will not be inconvenienced by the sale of said property; and

WHEREAS, on May 5, 2014 by Roll Call No. 14-0689, it was duly resolved by the City Council that the proposed conveyance of the property be set down for hearing on May 19, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the vacated alley 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 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the vacated alley right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the portion of the vacated east/west alley right-of-way between Franklin Avenue and Allison Avenue, extending east from 30th Street, that adjoins 2815 Franklin Avenue, as legally described below and to the grantee and for the consideration



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identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

To: Beverly J. Mugan

For: \$270

Legal Description:

ALL OF THE VACATED ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOTS 13 THROUGH 17, AND THE SOUTH HALF OF THE VACATED ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 43 THROUGH 45, NORTH UNIVERSITY PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The Mayor is authorized and directed to sign the Offer to Purchase and 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. 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.
5. 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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantee.
7. Non-project related land sale proceeds are used to support general operating budget expenses:
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(Council Communication No. 14- 219)

Moved by Gray to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

PNW

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk