



**Roll Call Number**

21-1211

**Agenda Item Number**

18

**Date** August 9, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1266 EAST 17<sup>TH</sup> COURT TO BYRON G. GIRON FOR \$25**

**WHEREAS**, on August 17, 1981, by Roll Call No. 4167, the City Council of the City of Des Moines, Iowa passed Ordinance No. 9998 vacating, except the south 30 feet, all of the north/south alley right-of-way located north of East University and south of Garfield Avenue between East 17<sup>th</sup> Street and East 17<sup>th</sup>, including that portion located west of and adjoining 1266 East 17<sup>th</sup> Court; and

**WHEREAS**, Byron G. Giron, owner of 1266 East 17<sup>th</sup> Court, has offered to the City of Des Moines (“City”) the purchase price of \$25.00 for the purchase of the east half of the vacated north/south alley right-of-way located west of and adjoining 1266 East 17<sup>th</sup> Court (hereinafter “Property”), for assemblage with 1266 East 17<sup>th</sup> Court, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa, proposes to sell the east half of the vacated north/south alley right-of-way located west of and adjoining 1266 East 17<sup>th</sup> Court, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Byron G. Giron

Consideration: \$25.00

Legal Description: THE EAST 7 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 1, BLOCK 9, STALFORD AND DIXON’S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 280 SQUARE FEET.

(VACATED BY ORDINANCE NO. 9,998)

2. A public hearing shall be held on August 23, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.



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In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. August 19, 2021 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the August 23, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

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

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>J. M. Frankhu Cowne</u> 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