



Roll Call Number

14-1626

Agenda Item Number

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Date October 20, 2014

SET HEARING FOR VACATION AND CONVEYANCE OF PORTIONS OF MAURY STREET AND ALLEY RIGHT-OF-WAY ADJOINING 724 EAST 14TH STREET TO JORDAN FLATT, FOR \$8,750.

WHEREAS, on August 23, 2004, by Roll Call No. 04-1766, City Council received a recommendation from the City Plan and Zoning Commission approving a request from Jay Flatt, d/b/a Flatt Tire Center, that the alley and street right-of-way adjoining 724 East 14th Street ("City Right-of-Way") be vacated and conveyed, subject to the reservation of various easements for utilities and access; and

WHEREAS, said right-of-way was neither vacated nor conveyed to Jay Flatt, d/b/a Flatt Tire Center; and

WHEREAS, Jordan Flatt, current owner of the property at 724 East 14th Street has offered to the City of Des Moines the purchase price of \$8,750.00 for the vacation and purchase of the City Right-of-Way for incorporation into his adjoining property, and subject to the reservation of a no-build easement across all the City Right-of-Way, an access easement across the north/south alley right-of-way, and easements for all existing utilities in place until such time as they are relocated, and reservation of right of entry for servicing same, which price reflects the fair market value of the City Right-of-Way 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 right-of-way proposed to be vacated and conveyed and the City will not be inconvenienced by the vacation and conveyance 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 the alley and street right-of-way adjoining 724 East 14th Street, legally described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, AND LYING EAST OF AND ADJOINING THE NORTH 20 FEET OF LOT 3, BLOCK 17, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT; AND THE NORTH 20.0 FEET OF SAID LOT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5422 SQUARE FEET.

AND



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A PART OF THE MAURY STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK 17, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 17; THENCE NORTH 75°(DEGREES) 00'(MINUTES) 02"(SECONDS) EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 17, 159.04 FEET; THENCE SOUTH 14°45'11" EAST, 24.96 FEET; THENCE SOUTH 89°53'16" EAST, 60.76 FEET; THENCE SOUTH 00°17'07" WEST, 21.55 FEET; THENCE SOUTHERLY ALONG A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 74°42'55" A CHORD DISTANCE OF 30.34 FEET WITH A CHORD BEARING OF SOUTH 37°38'35" WEST, FOR AN ARC DISTANCE OF 32.60 FEET; THENCE SOUTH 75°00'02" WEST, 39.63 FEET; THENCE NORTH 89°53'16" WEST, 153.43 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID BLOCK 17; THENCE NORTH 15°03'30" WEST, 40.00 FEET TO THE POINT OF BEGINNING; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

THIS PARCEL CONTAINS 12,236 SQUARE FEET AND IS SUBJECT TO EASEMENTS OF RECORD.

2. That if the City Council decides to vacate the above described alley right-of-way, the City of Des Moines further proposes to convey such vacated right-of-way, as described below, to Jordan Flatt for \$8,750:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, AND LYING EAST OF AND ADJOINING THE NORTH 20 FEET OF LOT 3, BLOCK 17, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT; AND THE NORTH 20.0 FEET OF SAID LOT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5422 SQUARE FEET.

AND

A PART OF THE VACATED MAURY STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING BLOCK 17, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, OF SAID BLOCK 17; THENCE NORTH 75°(DEGREES) 00'(MINUTES) 02"(SECONDS) EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 17, 159.04 FEET; THENCE SOUTH 14°45'11" EAST, 24.96 FEET; THENCE SOUTH 89°53'16" EAST, 60.76 FEET; THENCE SOUTH 00°17'07" WEST, 21.55 FEET; THENCE SOUTHERLY ALONG A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 74°42'55" A CHORD DISTANCE OF 30.34 FEET WITH A CHORD BEARING OF SOUTH 37°38'35" WEST, FOR AN ARC DISTANCE OF 32.60 FEET; THENCE SOUTH 75°00'02" WEST, 39.63 FEET; THENCE NORTH 89°53'16" WEST, 153.43 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID BLOCK 17; THENCE NORTH



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15°03'30" WEST, 40.00 FEET TO THE POINT OF BEGINNING; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

THIS PARCEL CONTAINS 12,236 SQUARE FEET AND IS SUBJECT TO EASEMENTS OF RECORD.

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 November 3, 2014, 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 Hensley to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman
Assistant City Attorney

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.

Diane Rauh City Clerk

T. M. Franklin Council Mayor