



Roll Call Number

15-0911

Agenda Item Number

22

Date June 8, 2015

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE NORTH/SOUTH ALLEY BETWEEN 15<sup>TH</sup> STREET AND 16<sup>TH</sup> STREET, SOUTH OF CROCKER STREET, TO EDWARD BRAFFORD AND KRISTIN BRAFFORD FOR \$50.00 AND TO RYAN P. HOWELL FOR \$150.00**

**WHEREAS**, on May 18, 2015, by Roll Call No. 15-0804, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request from Edward Brafford and Kristin Brafford and Ryan P. Howell for the vacation of the north/south alley right-of-way adjoining 831 16<sup>th</sup> Street and 849 16<sup>th</sup> Street, subject to the reservation of easements for all existing utilities in place until such time as they are relocated, and reservation of right of entry for servicing same; and

**WHEREAS**, Edward and Kristin Brafford, owners of 849 16<sup>th</sup> Street, have offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 849 16<sup>th</sup> Street for incorporation into their residential 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**, Ryan P. Howell, owner of 831 16<sup>th</sup> Street, has offered to the City of Des Moines the purchase price of \$150.00 for the purchase of the portion of the vacated alley-right-of-way adjoining 831 16<sup>th</sup> Street for incorporation into his residential 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.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of the north/south alley right-of-way adjoining 831 and 849 16<sup>th</sup> Street, legally described as follows:

ALL THAT PART THE ALLEY RIGHT OF WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 13, BLOCK 2, AND LYING SOUTH OF THE SOUTHWESTERLY LINE OF THE CROCKER STREET RIGHT OF WAY LINE, AS PRESENTLY ESTABLISHED, ALL IN DAVIES' 2<sup>ND</sup> ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 472 SQUARE FEET.

AND

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ALL THAT PART THE ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 19, 20 AND 21, AND LYING WEST OF AND ADJOINING THE NORTH HALF (1/2) OF LOT 22, ALL IN BLOCK 2, DAVIES' 2<sup>ND</sup> ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1958 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of the north/south alley right-of-way adjoining 831 16<sup>th</sup> Street and 849 16<sup>th</sup> Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

To: Edward Brafford and Kristin Brafford  
For: \$50.00

ALL THAT PART THE VACATED ALLEY RIGHT OF WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 13, BLOCK 2, AND LYING SOUTH OF THE SOUTHWESTERLY LINE OF THE CROCKER STREET RIGHT OF WAY LINE, AS PRESENTLY ESTABLISHED, ALL IN DAVIES' 2<sup>ND</sup> ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 472 SQUARE FEET.

And,

To: Ryan P. Howell  
For: \$150.00

ALL THAT PART THE VACATED ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 19, 20 AND 21, AND LYING WEST OF AND ADJOINING THE NORTH HALF (1/2) OF LOT 22, ALL IN BLOCK 2, DAVIES' 2<sup>ND</sup> ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1958 SQUARE FEET.

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 June 22, 2015, 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.

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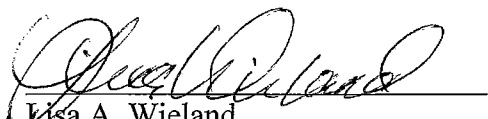
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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

  
 Lisa A. Wieland  
 Assistant City Attorney

*DR*

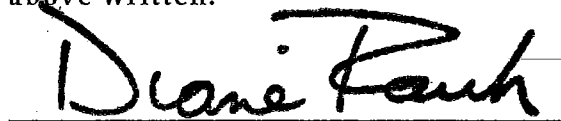
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

**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.

*T.M. Franklin*  
 Mayor

  
 City Clerk