

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**

Item No. 7
For Meeting of 05.03.10

ITEM TITLE: Public hearing for property conveyance (vacated street and right-of-way at 69th and Mott Street) subsequent to Planning and Zoning Commission recommendation and Consideration of resolution taking appropriate action to convey said property


CONTACT PERSON: Marketa George Oliver, City Administrator

SUMMARY EXPLANATION

The City of Windsor Heights owns and maintains property located just west of 69th Street and Mott Avenue. Originally, many years ago, before Wal-Mart and Sam's Club were located in Windsor Heights, this area would have been a continuation of Mott Avenue through, most likely to 73rd Street.

Since Sam's Club has built, this road will most likely never be needed or wanted by the residents or the city. A public hearing vacation that portion of the street was held May 20, 2009. Last fall, Council directed city staff to collect bids for the purchase of the property, at a minimum bid of \$2,500. Whomever purchases this property is responsible for paving the driveway, which is currently gravel, and allowing access for properties to both the north and south property owners, since they currently have garage access. The City advertised accepted bids and received an acceptable offer. Exhibit A is attached showing the property location.

The Assistant City Attorney working on the title opinion necessary prior to closing, indicated that matter needed to be addressed by Planning and Zoning Commission prior to having a public hearing on the conveyance of the property by Council. The Planning and Zoning Commission met April 14, 2010 and recommends the vacation of the property be approved. The public hearing has been duly published in accordance with Iowa law. To date, no written or oral comments have been received. The prior public hearing was held to vacate the street and this public hearing is to convey property. The bid for this property has been accepted and this will be the final legislative step to sell this property.

<input checked="" type="checkbox"/> Resolution _____ Ordinance ___ Contract _____ Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____ <div style="text-align: right; margin-right: 100px;"> City Administrator</div>

STAFF RECOMMENDATION:

COUNCIL ACTION:

RESOLUTION NO. 10-0503/

RESOLUTION APPROVING A QUIT CLAIM DEED FOR THE CITY OWNED PROPERTY LOCATED DIRECTLY WEST OF THE INTERSECTION AT 69TH AND MOTT AVENUE TO CHRIS AND DEB KLYN, THE HIGHEST BIDDER.

WHEREAS, the City has held a public hearing to vacate and convey street and right-of-way; and

WHEREAS, the Planning and Zoning Commission has reviewed the property at 69th and Mott and recommends disposing of it; and

WHEREAS, the City solicited and received bids; and

WHEREAS, Chris and Deb Klyn were the high bidders; and

WHEREAS, for the consideration of two thousand six hundred dollars, the City of Windsor Heights, Iowa, does hereby Quit Claim to Chris and Deb Klyn, all its right, title, interest, estate, claim and demand in the following described real estate in Polk County, Iowa; and

WHEREAS, the purchasers agree to pave the driveway and maintain access to the garages from said paved driveway for the property to the south of the purchased property and pay all abstracting costs; and

WHEREAS, the real estate is the East 150 Fee of Lot B, Walnut Creek, an Official Plat, now included in and forming a part of the City of Windsor Heights, Polk County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Windsor Heights, Iowa, that the City Council does hereby authorize the Mayor and City Clerk to execute the Quit Claim and other appropriate documents to convey title to the real estate described above to Chris and Deb Klyn.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to cause appropriate documentation to be recorded in the office of the Polk County Recorder in the manner provided by law.

PASSED AND APPROVED THIS 3rd DAY OF MAY, 2010.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/City Clerk