

COUNCIL ACTION FORM

**SUBJECT: CORRECTED RESOLUTIONS FOR SALES OF ALLEY
BETWEEN NORTH DAKOTA AVENUE AND DELAWARE
STREET**

BACKGROUND:

The property owner at 1501 North Dakota originally approached the City about buying the portion of unused city alley that was adjacent to this property.

Several other pieces of this alley were also still in City ownership, so outreach was done at least twice to the additional property owners to see if they, too, wished to buy the portions of alley adjacent to their lots. Ultimately, the council approved selling three sections of the alley between North Dakota Avenue and Delaware Street to the adjacent property owners.

In the course of preparing documents to complete these sales, it was determined that the names of the owners of record did not in all cases match with the identified names of the persons to whom the Council had authorized sales. It took some time to determine why there were discrepancies. That has now been clarified, but the earlier resolutions authorizing these sales need to be rescinded and subsequent resolutions need to be approved to accurately reflect the names of the parties to the purchase and what it is that is being sold, so that the transactions can be completed.

ALTERNATIVES:

1. Approve each of the resolutions to rescind the earlier adopted resolutions, and adopt new resolutions approving the sales of the correct parcels to the correct parties.
 - a. Resolution rescinding Resolution 16-388 regarding sale of alley to Cheryl Kruger
 - b. Resolution rescinding Resolution 16-389 regarding sale of alley to John Fisher & Kasandra Somers
 - c. Resolution authorizing sale of alley to Lile Parker Fox
 - d. Resolution authorizing sale of alley to Le and Joan Lubka
2. Refer the matter back to staff for further work.

MANAGER'S RECOMMENDED ACTION:

The return to taxable, productive use of unused alley segments is in the best interests of the City. However, this process must be done correctly to avoid creating title issues in the future. It is therefore the recommendation of the City Manager that the City Council approve Alternative #1 which will allow the City to take the corrective steps necessary for completion of these conveyances.

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER

Prepared by: Judy K. Parks, City of Ames Legal Department, 515 Clark Avenue, Ames, IA 50010 (Phone: 515-239-5146)

Return to: Ames City Clerk, P. O. Box 811, Ames, IA 50010

RESOLUTION NO. _____

**RESOLUTION APPROVING RECISSION OF RESOLUTION NO. 16-388 REGARDING
SALE TO CHERYL KRUGER OF PIECE A OF AN ALLEY BETWEEN NORTH
DAKOTA AVENUE AND DELAWARE STREET IN THE CITY OF AMES, IOWA**

WHEREAS, on June 28, 2016, Resolution no. 16-388 was adopted which authorized the sale to Cheryl Kruger of Piece A of an alley between North Dakota and Delaware Avenue and adjacent to 1501 North Dakota Avenue by Quit Claim deed; and,

WHEREAS, in the course of completing the sale, it was determined that the identified name of the property owner was no longer correct; and,

WHEREAS, the person formerly known as Cheryl Kruger is now known as Lile Parker Fox, and she still intends to complete this purchase; and,

WHEREAS, the previous resolution should be rescinded and a new resolution should be adopted authorizing the sale to Lile Parker Fox.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the Rescission of Resolution no. 16-388 regarding the sale to Cheryl Kruger of Piece A of an alley between North Dakota Avenue and Delaware by Quit Claim deed is hereby approved.

ADOPTED THIS ____ day of January, 2017.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Introduced by:

Seconded by:

Voting aye:

Voting nay:

Absent:

Resolution declared adopted and signed by the Mayor this ____ day of January, 2017.

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RESOLUTION NO. _____

**RESOLUTION APPROVING RECISSION OF RESOLUTION NO. 16-389 REGARDING
SALE TO JOHN FISHER AND KASANDRA SOMERS OF PIECE B OF AN ALLEY
BETWEEN NORTH DAKOTA AVENUE AND DELAWARE STREET IN THE CITY OF
AMES, IOWA**

WHEREAS, on June 28, 2016, Resolution no. 16-389 was adopted which authorized the sale to John Fisher and Kasandra Somers of Piece B of an alley between North Dakota and Delaware Avenue and adjacent to 1505 North Dakota Avenue by Quit Claim deed; and,

WHEREAS, in the course of completing the sale, and confirming the owners of record of 1505 North Dakota, it was determined that there is just a single individual owner of record of that property, whose correct name is John Fischer; and

WHEREAS, Mr. Fischer no longer intends to complete this purchase, but the abutting property owners, Le and Joan Lubka, would like to complete the purchase; and,

WHEREAS, all statutorily necessary steps have been taken for this conveyance such that it is appropriate that the previous resolution should be rescinded and a new resolution should be adopted authorizing the sale to Le and Joan Lubka.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the Rescission of Resolution no. 16-389 regarding the sale to John Fischer and Kasandra Somers of Piece B of an alley between North Dakota Avenue and Delaware by Quit Claim deed is hereby approved.

ADOPTED THIS ____ day of January, 2017.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Introduced by:

Seconded by:

Voting aye:

Voting nay:

Absent:

Resolution declared adopted and signed by the Mayor this ____ day of January, 2017.

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RESOLUTION NO. _____

RESOLUTION APPROVING THE CONVEYANCE TO LILE PARKER FOX BY THE CITY OF AMES OF ITS RIGHT, TITLE, AND INTEREST IN CERTAIN LAND CONSTITUTING A PART OF THE VACATED ALLEY OF LOT 1 OF BLOCK 8 OF THE ORIGINAL TOWN OF ONTARIO TO THE CITY OF AMES, IOWA

BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the conveyance by the City of Ames of its right, title, and interest in the land constituting a part of the vacated east half of the north/south alley of Lot 1 of Block 8 of the Original Town of Ontario to the City of Ames Iowa, at 1505 North Dakota, said land being more specifically described as follows:

Beginning at the southwest corner of Lot 1 of Block 8 of the Original Town of Ontario now part of the City of Ames, Story County, Iowa, in the 5th PM, thence 10' west, thence 70' north, thence 10' east along the west line of Lot 1 to the point of beginning;

be sold for the amount of \$1,989.75 and conveyed by Quit Claim Deed to Lile Parker Fox, and in consideration of granting of an easement for utility purposes to the City of Ames, Iowa, shall be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute a Quit Claim Deed with respect to the above described land for an on behalf of the City of Ames, Iowa.

ADOPTED THIS ____ day of January, 2017.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Introduced by:

Seconded by:

Voting aye:

Voting nay:

Absent:

Resolution declared adopted and signed by the Mayor this ____ day of January, 2017.

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RESOLUTION NO. _____

RESOLUTION APPROVING THE CONVEYANCE TO LE AND JOAN LUBKA BY THE CITY OF AMES OF ITS RIGHT, TITLE, AND INTEREST IN CERTAIN LAND CONSTITUTING A PART OF THE VACATED ALLEY OF LOT 4 OF BLOCK 8 OF THE ORIGINAL TOWN OF ONTARIO TO THE CITY OF AMES, IOWA

BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the conveyance by the City of Ames of its right, title, and interest in the land constituting a part of the vacated east half of the north/south alley of Lot 4 of Block 8 of the Original Town of Ontario to the City of Ames Iowa, at 1505 North Dakota, said land being more specifically described as follows:

Beginning at the southwest corner of Lot 4 of Block 8 of the Original Town of Ontario now part of the City of Ames, Story County, Iowa, in the 5th PM, thence 10' west, thence 60' north, thence 10' east along the west line of Lot 4 to the point of beginning;

be sold for the amount of \$1,750.50 and conveyed by Quit Claim Deed to Le and Joan Lubka, and in consideration of granting of an easement for utility purposes to the City of Ames, Iowa, shall be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute a Quit Claim Deed with respect to the above described land for an on behalf of the City of Ames, Iowa.

ADOPTED THIS ____ day of January, 2017.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Introduced by:

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