

Date January 5, 2009

HOLD HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF THE EAST/WEST ALLEY AND A SEGMENT OF THE NORTH/SOUTH ALLEY BETWEEN 24TH STREET AND 25TH STREET, NORTH OF ROLLINS AVENUE AND SOUTH OF INTERSTATE 235, TO R. M. MADDEN CONSTRUCTION INC. FOR \$275

WHEREAS, on November 24, 2008, by Roll Call No. 08-2042, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of the east/west alley and a segment of the north/south alley between 24th Street and 25th Street, north of Rollins Avenue and south of Interstate 235, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portion of such right-of-way described below; and

WHEREAS, on December 22, 2008, by Roll Call No. 08-2195, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on January 5, 2009, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a segment of the east/west alley and a segment of the north/south alley between 24th Street and 25th Street, north of Rollins Avenue and south of Interstate 235, more specifically described as follows:

All that part of the East/West alley right-of-way lying North of and adjoining Lots 1 and 2, Wetmore's, an Official Plat and lying North of and adjoining the vacated North/South alley right-of-way lying West of and adjoining said Lot 1, and lying East of the South right-of-way line of I-235 (Mac Vicar Freeway) as it now exists, and that part of the North/South alley right of way lying West of the South 30.0 feet of Lot 174, University

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Land Co's 1st Addition, an Official Plat, and lying South of the South right-of-way line of said I-235 as it now exists, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such right-of-way and additional previously vacated right-of-way, as described below, and to the grantee and for the consideration identified below, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

To: R. M. Madden Construction Inc. for \$275

All that part of the vacated East/West alley right-of-way lying North of and adjoining Lots 1 and 2, Wetmore's, an Official Plat and lying North of and adjoining the vacated North/South alley right-of-way lying West of and adjoining said Lot 1, and lying East of the South right-of-way line of I-235 (Mac Vicar Freeway) as it now exists, and that part of the vacated North/South alley right of way lying West of the South 30.0 feet of Lot 174, University Land Co's 1st Addition, an Official Plat, and lying South of the South right-of-way line of said I-235 as it now exists, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All of the vacated North/South alley right-of-way (vacated by Ordinance 14,687, July 23, 2007) lying West of and adjoining Lot 1, Wetmore's, an Official Plat, except the West 1/2 of the vacated North/South alley lying East of and adjoining the South 5.0 feet of Lot 2, said Wetmore's, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the said Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the originals of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the

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notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the originals of the Quit Claim Deed and copies of the other documents to the grantees.

8. The proceeds from the sale of this property will be deposited into the following account: CDM Index: 950287, Fund: SP767, ORG: ENG980500, Fund Description: Property Maintenance Fund.

(Council Communication No. 69-005)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

City Clerk