

.....  
**Date** ..... February 8, 2010 .....

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED SOUTH OF AND ADJACENT TO 821 40<sup>TH</sup> PLACE, TO BRIAN BURNS FOR \$237.00**

**WHEREAS**, the City of Des Moines owns excess real property located on 40<sup>th</sup> Place between Rollins Avenue and Interstate 235 (“Property”), which Property is legally described below; and

**WHEREAS**, Brian Burns is the owner of property abutting said City-owned property, and has offered to the City of Des Moines the purchase price of \$237.00 for the purchase of such City-owned Property, which price reflects the fair market value of the Property as currently estimated by the City’s Real Estate Division, said conveyance being subject to a permanent easement for recreational trail to be reserved by the City; and

**WHEREAS**, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property, subject to an easement as described above; and

**WHEREAS**, on, January 25, 2010, by Roll Call No. 10-108, it was duly resolved by the City Council that the proposed conveyance of real property be set down for hearing on February 8, 2010, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in these proposed conveyances, 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 the proposed conveyance of the property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this property, subject to a permanent easement for recreational trail, more specifically described as follows:

.....  
**Date** February 8, 2010

To: Brian Burns

For \$237.00

A PART OF LOT 76 AND PART OF THE WEST 7.0 FEET OF VACATED NORTH/SOUTH ALLEY LYING EAST AND ADJOINING SAID LOT 76, BRYN MAWR HEIGHTS, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 76; THENCE SOUTH 89° (DEGREES)26' (MINUTES)41" (SECONDS) EAST ALONG THE NORTH LINE OF SAID LOT 76, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°26'41" EAST ALONG THE NORTH LINE OF SAID LOT 76, A DISTANCE OF 82.53 FEET; THENCE SOUTH 0°10'58" WEST, 8.20 FEET; THENCE SOUTH 57°57'10" WEST, 77.58 FEET; THENCE NORTH 89°26'41" WEST, 16.90 FEET; THENCE NORTH 0°10'58" EAST; 50.00 FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 2,755 SQUARE FEET.

3. That the sale and conveyance of such property to Brian Burns for \$237.00, and payment by such grantee of the consideration identified along with payment for the estimated publication and recording costs for this transaction, is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of the 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 original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the 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 Deed and copies of the other documents to the grantee.
8. The proceeds from the sale of this property will be deposited into the following account: Waveland Trail – 40<sup>th</sup> Street to 42<sup>nd</sup> Street, CP040, PKS990000.

★ Roll Call Number

Agenda Item Number

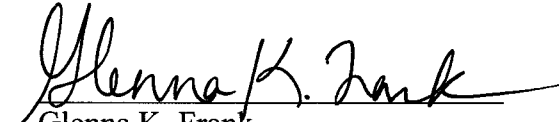
51

Date February 8, 2010

(Council Communication No. 10-063)

Moved by \_\_\_\_\_ to adopt

APPROVED AS TO FORM:

  
Glenna K. Frank  
Assistant City Attorney

*rw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			

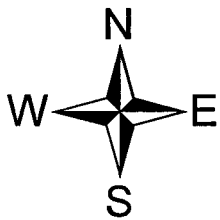
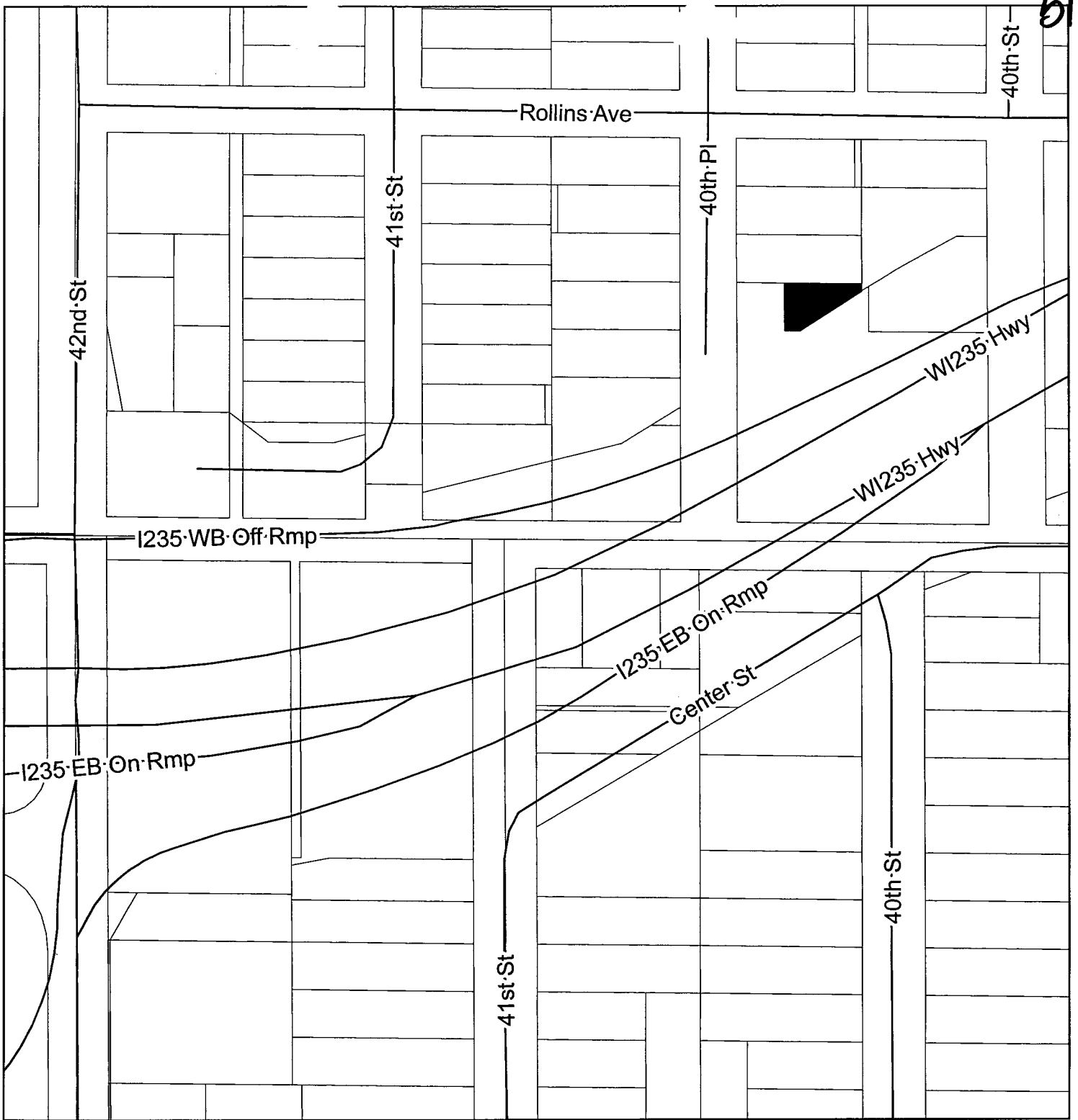
**CERTIFICATE**

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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**DISPOSITION -  
BRIAN BURNS**

**Legend**

 PROJECT LOCATION