

Date March 6, 2006

**HEARING ON THE VACATION AND CONVEYANCE OF MULTIPLE PAPER (NON-CONSTRUCTED) STREETS AND ALLEYS IN THE VICINITY OF SW 31<sup>ST</sup> STREET AND MUSKOGEE AVENUE, ALONG WITH THE CONVEYANCE OF TEN CITY-OWNED PARCELS FRONTING SUCH RIGHT-OF-WAY**

**WHEREAS**, on November 7, 2005, by Roll Call No. 05-2659, the City Council adopted a recommendation from the City Plan and Zoning Commission that multiple paper (non-constructed) streets and alleys in the vicinity of SW 31<sup>st</sup> Street and Muskogee Avenue, hereinafter more fully described, be vacated and sold, subject to the following:

- 1) Provision of easements for all existing utilities;
- 2) Purchase of all City-owned parcels fronting subject right-of-way; and
- 3) Prohibition of construction of structures or development of land in anyway that would impact the floodplain or floodway.

**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 such right-of-way described below; and

**WHEREAS**, on February 20, 2006, by Roll Call No. 06-347, 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 March 6, 2006, at 5:00 p.m., in the City Council Chambers; 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 multiple paper streets and alleys in the vicinity of SW 31<sup>st</sup> Street and Muskogee Avenue, more specifically described as follows:

36

Date March 6, 2006

All of Linwood Street (now known as Muskogee Avenue); all of Hazel Street (now known as Hazel Avenue); all of Sycamore Street (now known as Tonka Avenue): all of Ash Avenue (formerly known as Hawthorn Street) by Ordinance 1560; all of Oakwood Street (now know as Oakwood Avenue); all of Laura Street (now known as Laura Avenue); all of Southwest 33<sup>rd</sup> Street and Southwest 35<sup>th</sup> Street right-of-way in Forest Glen Addition, an Official Plat, and all of the East/West alleys bound by Linwood Street (Muskogee Avenue) Laura Street (Laura Avenue) Southwest 31<sup>st</sup> Street, and Southwest 35<sup>th</sup> Street, all in said Forest Glenn Addition, all now included in and forming a part of the City of Des Moines Polk County, Iowa.

DESCRIPTION APPROVED  
*[Signature]*  
03/07/06 12:38

3. That the sale and conveyance of such right-of-way along with ten City-owned parcels fronting such right-of-way, more specifically described below, to Barton A. Hicklin for \$20,000.00 together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All of vacated Linwood Street (now known as Muskogee Avenue); all of vacated Hazel Street (now known as Hazel Avenue); all of vacated Sycamore Street (now known as Tonka Avenue): all of vacated Ash Avenue (formerly known as Hawthorn Street) by Ordinance 1560; all of vacated Oakwood Street (now know as Oakwood Avenue); all of vacated Laura Street (now known as Laura Avenue); all of vacated Southwest 33<sup>rd</sup> Street and vacated Southwest 35<sup>th</sup> Street right-of-way in Forest Glen Addition, an Official Plat, and all of the vacated East/West alleys bound by Linwood Street (Muskogee Avenue) Laura Street (Laura Avenue) Southwest 31<sup>st</sup> Street, and Southwest 35<sup>th</sup> Street, all in said Forest Glenn Addition, and Lots 1, 47, 48, 49, 95, 96, 97, 144, 145 and 448, of said Forest Glen Addition, all now included in and forming a part of the City of Des Moines Polk County, Iowa.

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 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.

★ Roll Call Number

Agenda Item Number

36

Dispositions - Hicklin: Page 3

Date March 6, 2006

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim 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: Property Management Endowment Fund, Account 480010, Fund SP767, Organization PKS161625, Project PM-003.

(Council Communication No.06- 125)

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

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
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