

Date March 26, 2007

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF THE WEST 16.5 FEET OF SOUTH UNION STREET ADJOINING 5 PARK AVENUE TO JOHN EIDBO AND PAUL EIDBO IN EXCHANGE FOR EASEMENTS NEEDED FOR THE CRAWFORD CREEK WATERSHED IMPROVEMENT PROJECT**

WHEREAS, on February 26, 2007, by Roll Call No. 07-343, the City Council adopted a recommendation from the City Plan and Zoning Commission that the West 16.5 feet of South Union Street adjoining 5 Park Avenue, hereinafter more fully described, be vacated and conveyed to the adjoining property owners; and

WHEREAS, the grantees identified below are the owners of property abutting such right-of-way and have agreed to grant the City of Des Moines a Permanent Easement for Storm Sewer and Surface Water Flowage, along with a Temporary Easement for Construction, across their property at 5 Park Avenue, in exchange for the vacation and conveyance of such right-of-way described below; and

WHEREAS, on March 12, 2007, by Roll Call No. 07-\_\_\_\_\_, 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 26, 2007, 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 the West 16.5 feet of South Union Street adjoining 5 Park Avenue, more specifically described as follows:

Except the South 15.0 feet, the West 16.5 feet of the East 33.5 feet of Lot 1, Smith and McClurg's Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3/17/07 13:36  
DESCRIPTION REVIEWED  
*[Signature]*

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3. That the conveyance of such right-of-way, as described below, to John Eric Eidbo and Paul Howard Eidbo in exchange for easements needed for the Crawford Creek Watershed Improvement Project, be and is hereby approved:

Except the South 15.0 feet, the vacated West 16.5 feet of the East 33.5 feet of Lot 1, Smith and McClurg's Place, an Official Plat, 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 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 approval of the signed easements needed for the Crawford Creek Watershed Improvement Project, 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.

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 grantees.

8. The value of this property is estimated to be \$1,240 and will be applied towards the City's purchase price of \$2,660 for the aforementioned easements, required for the Crawford Creek Watershed Improvement Project. Therefore, there will be no proceeds associated with the conveyance of this property.

DESCRIPTION REVIEWED  
3/27/07 13:00

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(Council Communication No. 07-152 )

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

APPROVED AS TO FORM:

*Ann DiDonato*  
 Ann DiDonato  
 Assistant City Attorney

*DR*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
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