

Date April 9, 2007

SET HEARING FOR THE VACATION AND CONVEYANCE OF AN ENCROACHMENT EASEMENT ADJOINING 301 EAST COURT AVENUE TO EAST VILLAGE COURT, LLC FOR \$395

WHEREAS, on February 12, 2007, by Roll Call No. 07-229, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an encroachment easement, hereinafter more fully described, for the construction of a wheelchair accessible ramp entrance along the west side of the existing structure at 301 East Court Avenue; 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.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating an encroachment easement adjoining 301 East Court Avenue, more specifically described as follows:

A 3.5 foot wide strip on the East side of East 3rd Street Right-of-Way (R.O.W.) as presently established, adjacent to Lot 4, Block 3, Scott and Dean's Addition to Fort Des Moines, and adjacent to the vacated alley between said Lot 4 and Lot 5 in said Scott and Dean's Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Southwest corner of said Lot 4; thence North 12°(degrees) 35'(minutes) 37"(seconds) West, along said East R.O.W. line of East 3rd Street, a distance of 49.38 feet, to the Point of Beginning; thence South 77°33'36" West, 3.50 feet; thence North 12°35'37" West, along a line parallel with said East R.O.W. line of East 3rd Street, a distance of 20.50 feet; thence North 77°33'36" East, 3.50 feet, to a point on said East R.O.W. line of East 3rd Street; thence South 12°35'37" East, along said East R.O.W. line of East 3rd Street, a distance of 20.50 feet, to the Point of Beginning, containing 71.75 sq. ft., more or less.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such encroachment easement, as described below, to the grantee and for the consideration identified below:

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To: East Village Court, LLC for \$395.00

A vacated 3.5 foot wide strip on the East side of East 3<sup>rd</sup> Street Right-of-Way (R.O.W.) as presently established, adjacent to Lot 4, Block 3, Scott and Dean's Addition to Fort Des Moines, and adjacent to the vacated alley between said Lot 4 and Lot 5 in said Scott and Dean's Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Southwest corner of said Lot 4; thence North 12°(degrees) 35'(minutes) 37"(seconds) West, along said East R.O.W. line of East 3<sup>rd</sup> Street, a distance of 49.38 feet, to the Point of Beginning; thence South 77°33'36" West, 3.50 feet; thence North 12°35'37" West, along a line parallel with said East R.O.W. line of East 3<sup>rd</sup> Street, a distance of 20.50 feet; thence North 77°33'36" East, 3.50 feet, to a point on said East R.O.W. line of East 3<sup>rd</sup> Street; thence South 12°35'37" East, along said East R.O.W. line of East 3<sup>rd</sup> Street, a distance of 20.50 feet, to the Point of Beginning, containing 71.75 sq. ft., more or less.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on April 23, 2007, said meeting to be held at 5:00 p.m., in the Council Chamber.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
5. The proceeds from the sale of this property shall be deposited into the following account: 2007-08 Operating Budget, Page 255, Property Maintenance, SP767.

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Dispositions – East Village Court, LLC: Page 3

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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				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

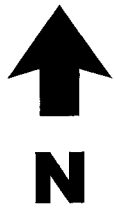
**CERTIFICATE**

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



**PROPERTY ENCROACHMENT  
 301 EAST COURT AVENUE  
 ACTIVITY I.D. 34-2007-043**