

Date April 23, 2007

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF THE NORTH 25 FEET OF ARMY POST ROAD RIGHT-OF-WAY ADJOINING 6304 SW 7TH STREET TO TOUCH AND GO, LLC FOR \$3,500

WHEREAS, on February 12, 2007, by Roll Call No. 07-230, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North 25 feet of Army Post Road right-of-way adjoining 6304 SW 7th Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is purchasing the 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 April 9, 2007, by Roll Call No. 07- 640, 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 April 23, 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 North 25 feet of Army Post Road right-of-way adjoining 6304 SW 7th Street, more specifically described as follows:

The North 25.00 feet of Army Post Road right-of-way lying South of and adjoining Lots 10 through 17, Block 5, Porter’s Re-Plat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Date April 23, 2007

3. That the sale and conveyance of such right-of-way, as described below, to Touch and Go, LLC for \$3,500, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

The North 25.00 feet of vacated Army Post Road right-of-way lying South of and adjoining Lots 10 through 17, Block 5, Porter's Re-Plat, 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 Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the Temporary Easement for Construction is hereby approved and accepted, 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 originals of the said Deed and Easement, 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 and Easement, 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 proceeds from the sale of this property will be deposited into the following account: 2007-08 Operating Budget, Page 255, Property Maintenance, SP767.

★ Roll Call Number

Agenda Item Number

58

Dispositions – Touch and Go, LLC: Page 3

Date April 23, 2007

(Council Communication No. 07-224)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

psv

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