

Date May 5, 2008

**HOLD HEARING FOR VACATION AND CONVEYANCE OF 18TH STREET BETWEEN CARPENTER AVENUE AND KEOSAUQUA WAY TO ADJOINING PROPERTY OWNERS FOR \$2,064**

**WHEREAS**, on March 24, 2008, by Roll Call No. 08-485, the City Council adopted a recommendation from the City Plan and Zoning Commission that 18th Street between Carpenter Avenue And Keosauqua Way, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, the grantees identified below are the owners of property abutting such right-of-way and have 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 21, 2008, by Roll Call No. 08- 663, 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 May 5, 2008, 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 18th Street between Carpenter Avenue and Keosauqua Way more specifically described as follows:

All that part of 18<sup>th</sup> Street right-of-way lying West of and adjoining Lot 12, Garden Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such right-of-way, as described below, and to the grantees and for the consideration identified below, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

4/16/2008 09:32  
DESCRIPTION REVIEWED  
*[Signature]*

★ **Roll Call Number**

**Agenda Item Number**

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To: Kenoyer and Associates, L.L.C. for \$ 864.00

All that part of vacated East 1/2 of 18<sup>th</sup> Street right-of-way lying West of and adjoining the North 99.0 feet of Lot 12, Garden Addition, an Official Plat, and all of Vacated 18th Street right-of-way lying West of and adjoining the South 63.0 feet of said Lot 12, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

Subject to driveway Access for property at 1720 Carpenter Avenue, and subject to any utilities now in place.

To: Aterra 3, 1901 Carpenter, DSM, L.L.C. for \$1,200.00

All of the West 1/2 of vacated 18<sup>th</sup> Street right-of-way lying West of North 99.0 feet of the East 1/2 of Vacated 18<sup>th</sup> Street right-of-way lying West of and adjoining the North 99.0 feet of Lot 12, Garden Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED  
By: [Signature]  
Date: 5/11/08

4. The Mayor is authorized and directed to sign the Offers to Purchase and the Quit Claim Deeds for the conveyances 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 originals of the said Deeds, 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 Deeds, 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 Quit Claim Deeds 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 259, Property Maintenance, SP767.

★ **Roll Call Number**

**Agenda Item Number**

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(Council Communication No. 08-255)

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

APPROVED AS TO FORM:

*Glenna K. Frank*  
 Glenna K. Frank  
 Assistant City Attorney

*RAW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

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