

Date May 7, 2007

SET HEARING FOR THE VACATION AND CONVEYANCE OF A PORTION OF JACKSON AVENUE RIGHT-OF-WAY, ALONG WITH CONVEYANCE OF EXCESS CITY-OWNED PROPERTY, ALL ADJOINING 214 JACKSON AVENUE, TO 214 JACKSON, L.L.C. FOR \$22,000

WHEREAS, on April 17, 1995, the City Council passed Ordinance No. 13,174 vacating Jackson Avenue right-of-way lying West of SW 2nd Street; and

WHEREAS, the legal description vacating and conveying the above right-of-way did not include a small portion of the Jackson Avenue right-of-way that should also be vacated and conveyed to the adjoining property owner; 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, along with portions of excess City-owned property adjoining 214 Jackson Avenue, described below; and

WHEREAS, as partial consideration for the conveyance described below, the grantee identified below has agreed to convey various property interests to the City of Des Moines for flood control purposes.

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 a dead-end portion of Jackson Avenue right-of-way lying West of and adjoining right-of-way that was previously vacated by Ordinance No. 13,174, more specifically described as follows:

An irregular shaped portion of the Jackson Avenue right-of-way lying North of and adjoining Block 5 in South Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa, described as: Commencing at the Northeast corner of Lot 8, Block 5 in said South Fort Des Moines; thence North 72°(degrees) 21'(minutes) 19"(seconds) West (assumed for the purpose of this description) along the northerly line of said Block 5, a distance of 234.55 feet to the Point of Beginning; thence North 72°04'04" West along the northerly line of said Block 5, a distance of 20.28 feet; thence North 40°56'42" East, a distance of 21.11 feet; thence northeasterly along a 50.00 foot radius curve concave southeasterly, a distance of 46.39 feet, said curve having a chord bearing of North 67°31'23" East and a chord length of 44.74 feet; thence South 42°24'11" West, a distance of 53.21 feet to the

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Point of Beginning. Said tract of land contains 0.02 acres or 862 square feet 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 right-of-way, along with excess City-owned property adjoining 214 Jackson Avenue, as described below, to the grantee and for the consideration identified below:

To: 214 Jackson, L.L.C. for \$22,000

An irregular shaped portion of the vacated Jackson Street right-of-way lying North of and adjoining Block 5 in South Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa, described as: Commencing at the Northeast corner of Lot 8, Block 5 in said South Fort Des Moines; thence North 72°(degrees) 21'(minutes) 19"(seconds) West (assumed for the purpose of this description) along the northerly line of said Block 5, a distance of 234.55 feet to the Point of Beginning; thence North 72°04'04" West along the northerly line of said Block 5, a distance of 20.28 feet; thence North 40°56'42" East, a distance of 21.11 feet; thence northeasterly along a 50.00 foot radius curve concave southeasterly, a distance of 46.39 feet, said curve having a chord bearing of North 67°31'23" East and a chord length of 44.74 feet; thence South 42°24'11" West, a distance of 53.21 feet to the Point of Beginning. Said tract of land contains 0.02 acres or 862 square feet more or less.

And

An irregular shaped portion of Lot 2, Block 5 in South Fort Des Moines, an Official Plat, Des Moines, Polk County Iowa; and a portion of Blocks 1 and 2 in Van's Addition to South Des Moines, an Official Plat, Des Moines, Polk County, Iowa; and a portion of the vacated Granger Avenue right-of-way lying South of and adjoining said Block 1, all of which is described as: Commencing at the Northeast corner of Lot 8, Block 5 in said South Fort Des Moines; thence North 72°(degrees) 19'(minutes) 56"(seconds) West (assumed for the purpose of this description) along the northerly line of said Block 5, a distance of 264.52 feet; thence South 18°48'53" West, a distance of 92.62 feet to the Point of Beginning; thence continuing South 18°48'53" West, a distance of 97.78 feet to the North line of Block 1 in said Van's Addition to South Des Moines; thence South 72°03'23" East along the North line of said Block 1, a distance of 14.50 feet; thence South 32°59'51" West, a distance of 239.33 feet; thence North 09°28'40" East, a distance of 60.57 feet; thence North 20°22'07" East, a distance of 113.16 feet; thence North 36°48'30" East, a distance of 164.77 feet to the Point of

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Beginning. Said tract of land contains 0.22 acres or 9,410 square feet more or less.

And

An irregular shaped portion of Lot 4 and a portion of the vacated alley lying East of and adjoining Lot 4, all in Block 4 in South Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa, described as: Commencing at the Northeast corner of Lot 8, Block 5 in said South Fort Des Moines; thence North 24°47'10" West (assumed for the purpose of this description) along the westerly right-of-way line of SW 3rd Street as it is presently established, a distance of 89.49 feet to the southerly line of Lot 5, Block 4 in said South Fort Des Moines; thence North 72°21'19" West along the southerly line of said Lot 5, and along the westerly extension of the southerly line of said Lot 5, and along the southerly line of Lot 4 of said Block 4, a distance of 104.67 feet to the Point of Beginning; thence continuing North 72°21'19" West along the southerly line of said Lot 4, a distance of 43.02 feet; thence North 37°12'14" East, a distance of 27.86 feet; thence northeasterly along a 47.07 foot radius curve concave southeasterly, a distance of 44.39 feet, said curve having a chord bearing of North 64°13'25" East and a chord length of 42.77 feet; thence South 88°45'20" East, a distance of 27.70 feet; thence South 31°39'19" West, a distance of 19.50 feet; thence South 40°59'11" West, a distance of 48.52 feet to the Point of Beginning. Said tract of land contains 0.06 acres or 2,442 square feet 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 May 21, 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 accounts: \$3,500 - 2007-08 Operating Budget, Page 255, Property Maintenance, SP767, and \$18,500 - 2007-08 Capital Improvements Program, Page 11, Storm Water Improvements, Flood Protection System Improvements, FLD008

★ Roll Call Number

Agenda Item Number

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Disposition – 214 Jackson, L.L.C.: Page 4

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Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

RTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	APPROVED			

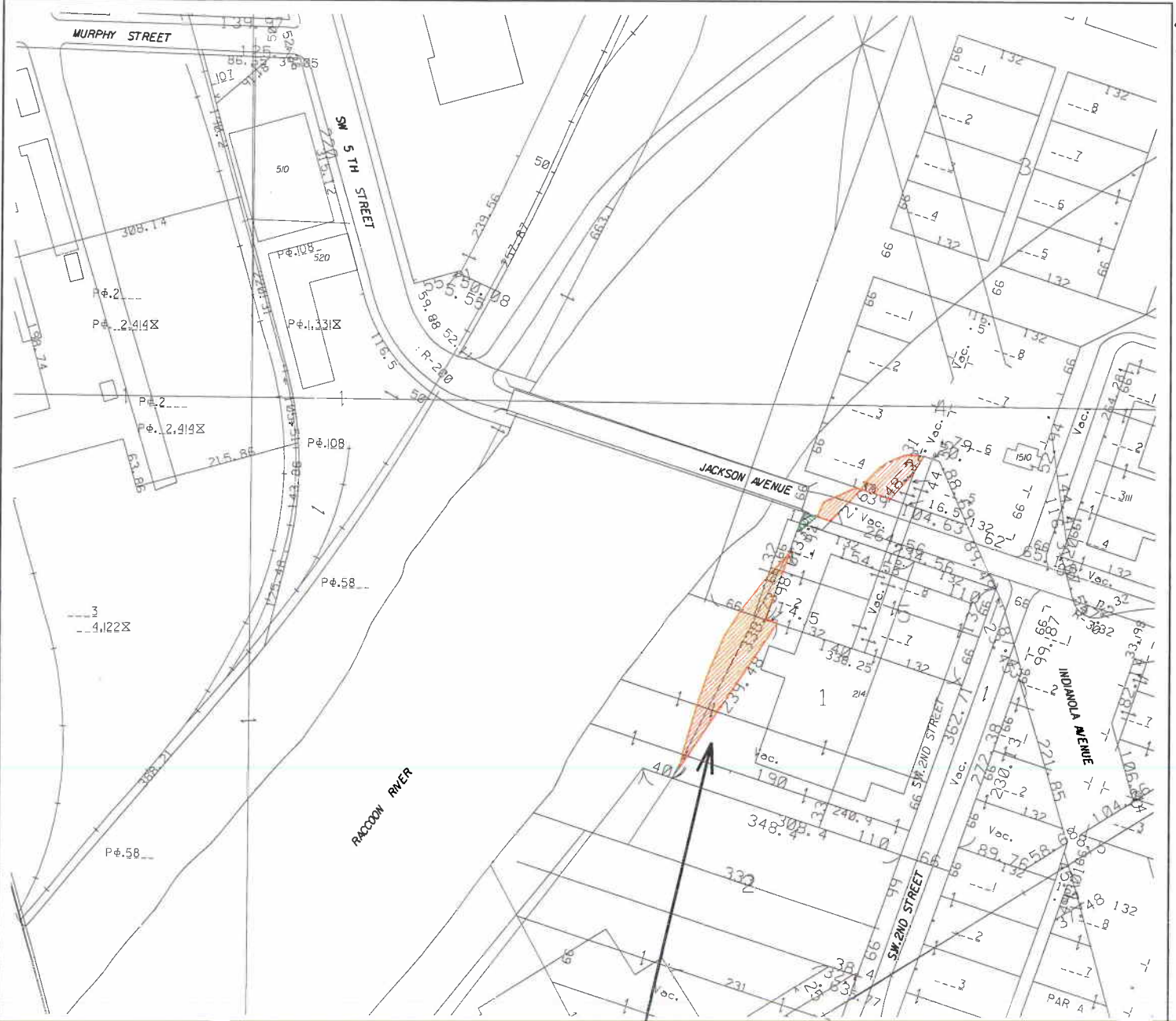
CERTIFICATE

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.

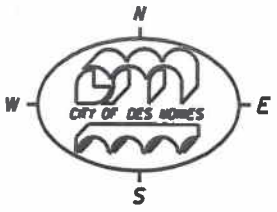
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.



Mayor

City Clerk



PROPERTY
LOCATION



-  ACQUISITION
-  DISPOSITION

PROPERTY ACQUISITION/DISPOSITION
 214 JACKSON/214 JACKSON, LLC
 ACTIVITY I.D. 34-2007-047