

Date May 7, 2007

**SET HEARING FOR THE VACATION AND CONVEYANCE OF EXCESS COTTAGE GROVE AVENUE RIGHT-OF-WAY LYING EAST OF 24<sup>TH</sup> STREET AND BETWEEN COTTAGE GROVE AVENUE AND I-235 TO COTTAGE GROVE HOMES, L.C. FOR \$150**

**WHEREAS**, the City Plan and Zoning Commission has considered and recommended conditional approval for the vacation and conveyance of an excess portion of Cottage Grove Avenue right-of-way lying East of 24<sup>th</sup> Street and between Cottage Grove Avenue and I-235, hereinafter more fully described, at their meeting on May 3, 2007, and on May 21, 2007, the City Council will receive and file the Plan and Zoning Commission’s report and recommendation, prior to proceeding with the public hearing for the sale of this property; 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 a portion of excess Cottage Grove Avenue right-of-way lying East of 24<sup>th</sup> Street and between Cottage Grove Avenue and I-235, more specifically described as follows:

Cottage Grove Avenue right-of-way described as follows: Beginning at the Northeast Corner of Lot 1 of Ira W. Anderson’s Cottage Grove Addition, an Official Plat; thence South 00°(degrees) 12’(minutes) West, 9.6 feet along the easterly line of said Lot 1; thence North 44°25’ West, 13.4 feet to the North line of said Lot 1; thence East 9.4 feet along said North line to the Point of Beginning; and the West 15.0 feet of the North 120.0 feet of former Western Avenue lying East of and adjoining Lots 1 and 2 of said Ira W. Anderson’s Cottage Grove Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED  
*[Signature]*  
05/16/07

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, as described below to the grantee and for the consideration identified below:

To: Cottage Grove Homes, L.C. for \$150

Vacated Cottage Grove Avenue right-of-way described as follows: Beginning at the Northeast Corner of Lot 1 of Ira W. Anderson’s Cottage Grove Addition, an Official Plat; thence South 00°(degrees) 12’(minutes) West, 9.6 feet along the easterly line of said Lot 1; thence North 44°25’ West, 13.4 feet to the North line of said Lot 1; thence East 9.4 feet

★ Roll Call Number

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for

along said North line to the Point of Beginning; and the West 15.0 feet of the North 120.0 feet of former Western Avenue lying East of and adjoining Lots 1 and 2 of said Ira W. Anderson's Cottage Grove Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 account: 2007-08 Operating Budget, Page 255, Property Maintenance, SP767.

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

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

for

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

CERTIFICATE

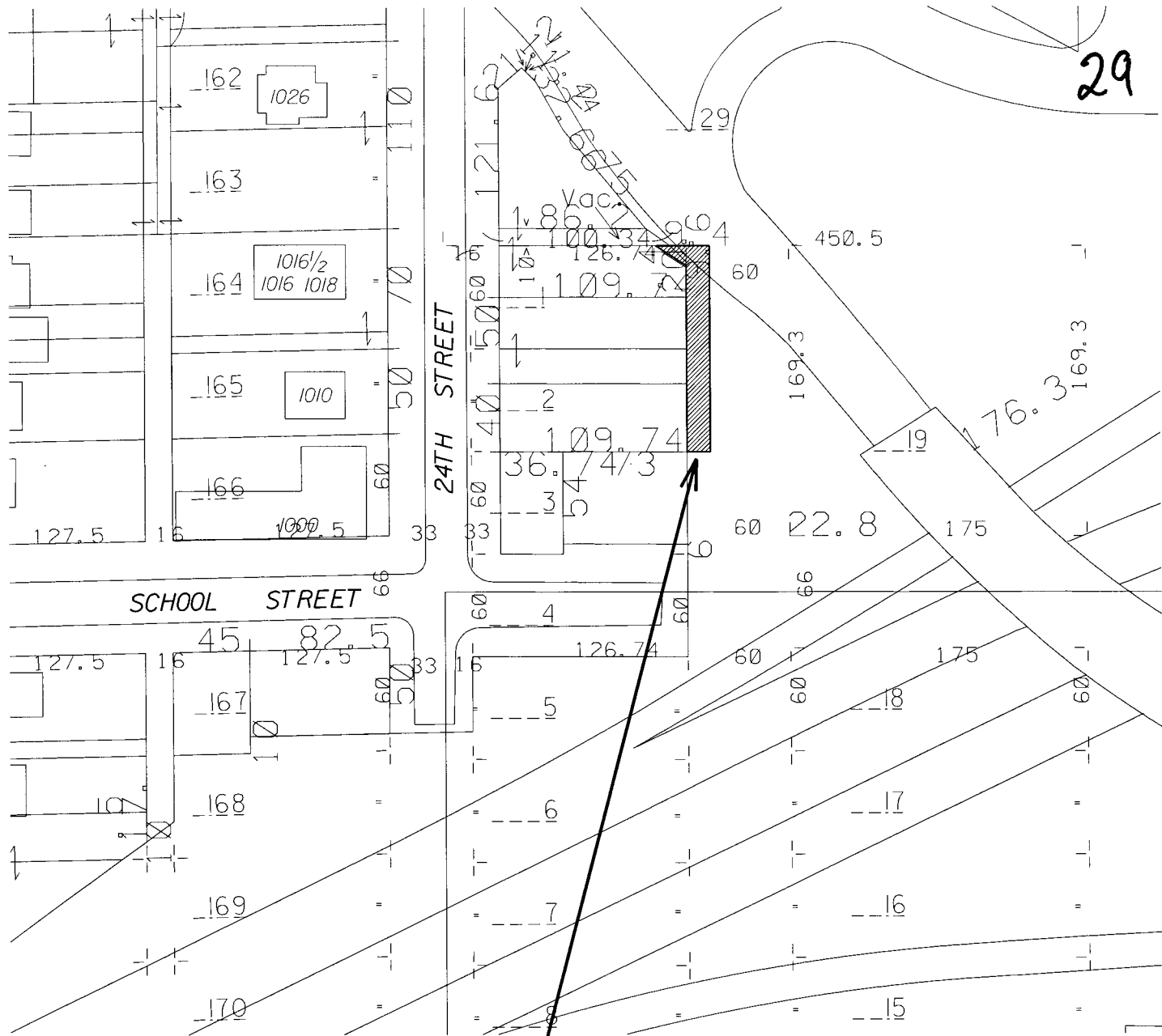
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

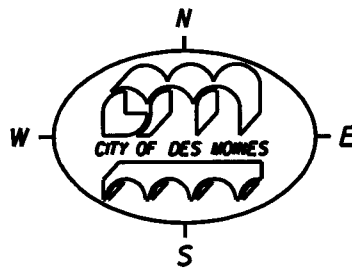
Mayor

City Clerk

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**PROPERTY  
LOCATION**



**PROPERTY DISPOSITION  
14TH PLACE/ASCENSION &  
KEO/COOPER  
ACTIVITY I.D. 34-2007-048**