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Date May 21, 2007

SET HEARING FOR THE VACATION AND CONVEYANCE OF ELM STREET BETWEEN SW 7TH STREET AND SW 8TH STREET, AND EXCESS WEST MARTIN LUTHER KING, JR. PARKWAY RIGHT-OF-WAY NORTH OF ELM STREET AND BETWEEN SW 7TH STREET AND SW 8TH STREET TO HUBBELL REALTY COMPANY FOR \$140,000

WHEREAS, on July 10, 2006, by Roll Call No. 06-1331, the City Council adopted a recommendation from the City Plan and Zoning Commission that Elm Street between SW 7th Street and SW 8th Street, and excess West Martin Luther King, Jr. Parkway right-of-way North of Elm Street and between SW 7th Street and SW 8th Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of property abutting such rights-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 rights-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 Elm Street between SW 7th Street and SW 8th Street, and excess West Martin Luther King, Jr. Parkway right-of-way North of Elm Street and between SW 7th Street and SW 8th Street, more specifically described as follows:

All that portion of Elm Street right-of-way lying South of and adjoining Block 6, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of Lots 3, 4, 5 and 6, Block 6, Fort Des Moines, an Official Plat, and the intervening alleys and vacated alleys in said parcel, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the southwesterly corner of said Lot 4, and being the intersection of the present northerly right-of-way line of Elm Street and the present easterly right-of-way line of Southwest 8th Street; thence North 15°(degrees) 23'(minutes) 52"(seconds) West (assumed bearing for the purpose of this description) along the westerly line of said Lots 4 and 3, and being the present easterly right-of-way line of Southwest 8th Street, 116.08 feet; thence North 81°42'58" East, 4.89 feet; thence

DESCRIPTION APPROVED
[Signature]
5/16/07 13:10

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North 81°03'54" East, 262.35 feet; thence South 63°00'04" East, 26.02 feet to the Northeasterly corner of said Lot 5, and being the present westerly right-of-way line of Southwest 7th Street; thence South 15°21'13" East along the easterly line of said Lot 5, and being the present westerly right-of-way line of Southwest 7th Street, 66.56 feet to the southeasterly corner of said Lot 5, and being the intersection of the present northerly right-of-way line of Elm Street and the present westerly right-of-way line of Southwest 7th Street; thence South 74°13'52" West along the southerly line of said Lot 5 and its westerly extension, and said Lot 4, and being the present northerly right-of-way line of Elm Street, 284.71 feet to the point of beginning. By survey containing 28,035 square feet, or 0.64 acre.

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

To: Hubbell Realty Company for \$140,000

All that portion of vacated Elm Street right-of-way lying South of and adjoining Block 6, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of vacated Lots 3, 4, 5 and 6, Block 6, Fort Des Moines, an Official Plat, and the intervening alleys and vacated alleys in said parcel, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the southwesterly corner of said Lot 4, and being the intersection of the present northerly right-of-way line of Elm Street and the present easterly right-of-way line of Southwest 8th Street; thence North 15°(degrees) 23'(minutes) 52"(seconds) West (assumed bearing for the purpose of this description) along the westerly line of said Lots 4 and 3, and being the present easterly right-of-way line of Southwest 8th Street, 116.08 feet; thence North 81°42'58" East, 4.89 feet; thence North 81°03'54" East, 262.35 feet; thence South 63°00'04" East, 26.02 feet to the Northeasterly corner of said Lot 5, and being the present westerly right-of-way line of Southwest 7th Street; thence South 15°21'13" East along the easterly line of said Lot 5, and being the present westerly right-of-way line of Southwest 7th Street, 66.56 feet to the southeasterly corner of said Lot 5, and being the intersection of the present northerly right-of-way line of Elm Street and the present westerly right-of-way line of Southwest 7th Street; thence South 74°13'52" West along the southerly

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line of said Lot 5 and its westerly extension, and said Lot 4, and being the present northerly right-of-way line of Elm Street, 284.71 feet to the point of beginning. By survey containing 28,035 square feet, or 0.64 acre.


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 June 4, 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: \$28,000 – 2007-08 Operating Budget, Page 259, Property Maintenance, SP767, and \$112,000 – Federal Title 23 Deposit Account, Fund: CP038, Org.: EN990000, Project: STR500.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

for

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

MOTION CARRIED APPROVED

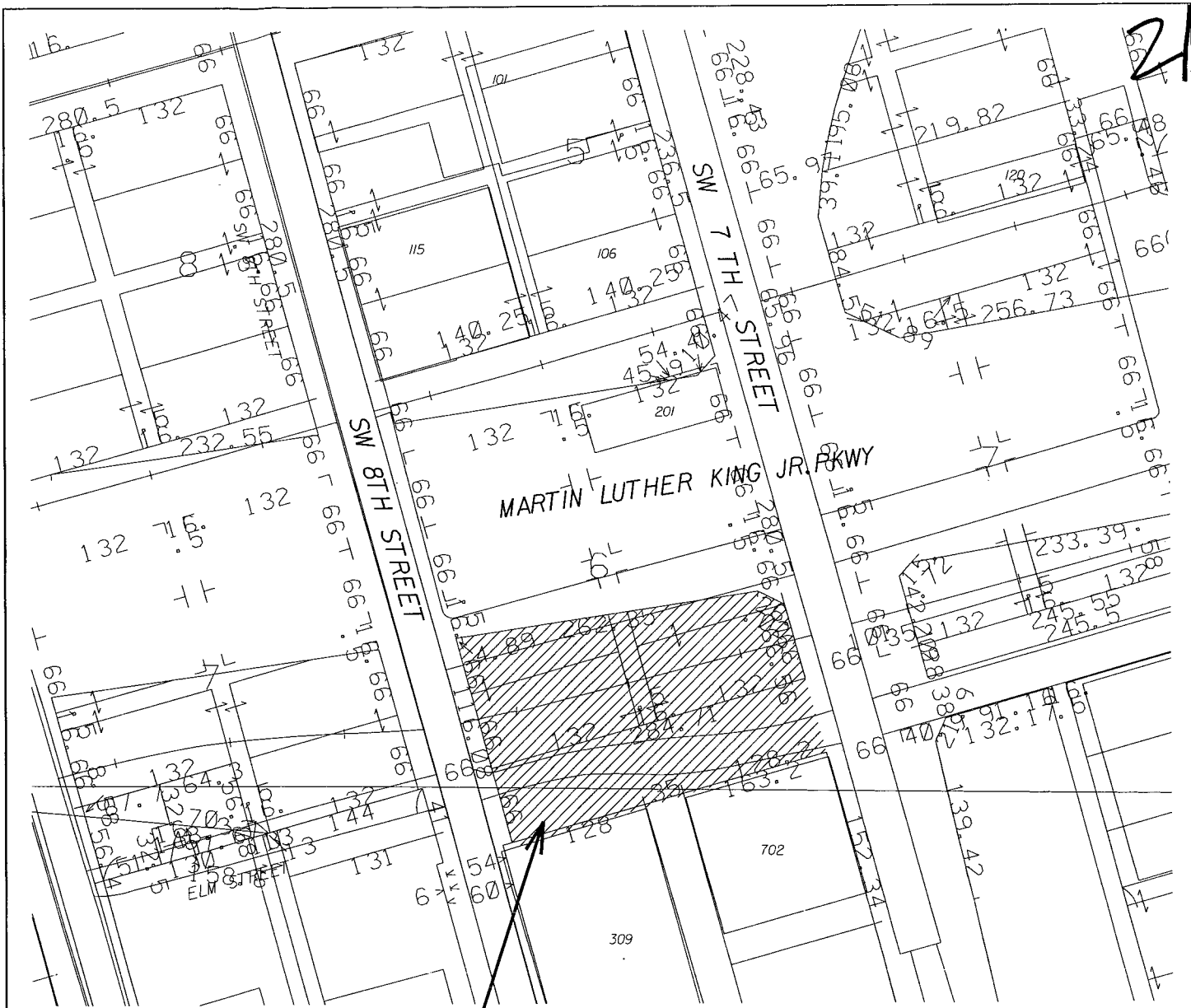
 Mayor

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.

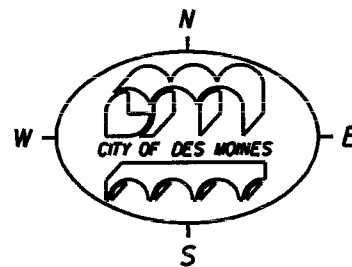
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk



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PROPERTY
LOCATION



PROPERTY DISPOSITON
HUBBELL REALTY COMPANY
ACTIVITY I.D. 34-2007-014