

Date May 21, 2007

HOLD 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, LLC 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; and

WHEREAS, on May 7, 2007, by Roll Call No. 07- 862, 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 21, 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 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:

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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 Point of Beginning. Said tract of land contains 0.02 acres or 862 square feet more or less.

3. That the sale and conveyance of such right-of-way, along with excess City-owned property adjoining 214 Jackson Avenue, as described below, to 214 Jackson, LLC for \$22,000, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

DESCRIPTION REVIEWED
5/15/07
[Signature]

An irregular shaped portion of the vacated 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 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

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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 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°(degrees) 47'(minutes) 10"(seconds) 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 Lot 5, the vacated alley and Lot 4, all in 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.

DESCRIPTION REVIEWED
[Signature]
5/15/07 09:22

4. That the attached Quit Claim Deeds conveying property from the City of Des Moines to 214 Jackson LLC, and to the City of Des Moines from 214 Jackson, LLC are hereby approved and accepted.

5. The Mayor is authorized and directed to sign the Offer 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.

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6. 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.

7. 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.

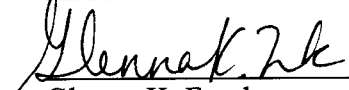
8. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds and copies of the other documents to the grantee.

9. The proceeds from the sale of this property will be deposited into the following account: \$3,500 – 2007-08 Operating Budget, Page 259, Property Maintenance, SP767, and \$18,500 – 2007-08 Capital Improvements Program, Page 11, Storm Water Improvements, Flood Protection System Improvements, FLD008.

(Council Communication No. 07-299)

APPROVED AS TO FORM:

Moved by _____ to adopt.



 Glenna K. Frank
 Assistant City Attorney

PSW

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