

Date May 21, 2007

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF EXCESS COTTAGE GROVE AVENUE RIGHT-OF-WAY LYING EAST OF 24TH 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 24th 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 such right-of-way described below; and

WHEREAS, on May 7, 2007, by Roll Call No. 07- 863, 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 portion of excess Cottage Grove Avenue right-of-way lying East of 24th 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

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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 sale and conveyance of such right-of-way, as described below, to Cottage Grove Homes, L.C. for \$150, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

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 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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance 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 original of the said Deed, 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 original of the Deed, 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 original of the Quit Claim Deed and copies of the other documents to the grantee.

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

49

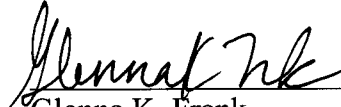
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Dispositions – Cottage Grove Homes, L.C.: Page 3

(Council Communication No. 07-298)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 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