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Date June 4, 2007

HOLD 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 such rights-of-way described below; and

WHEREAS, on May 21, 2007, by Roll Call No. 07-_____, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on June 4, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public rights-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 rights-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation 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, more specifically described as follows:

[Handwritten signature]

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.

Date June 4, 2007

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:

DESCRIPTION REVIEWED
5/16/07 12:13

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 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 sale and conveyance of such rights-of-way, as described below, to Hubbell Realty Company for \$140,000, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

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:

Date June 4, 2007

DESCRIPTION REVIEWED
5/14/07 13:13

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 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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyances 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 rights-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 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.

★ Roll Call Number

Agenda Item Number

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Dispositions – Hubbell Realty Company: Page 4

Date June 4, 2007

(Council Communication No. 07-326)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

[Handwritten signature]

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

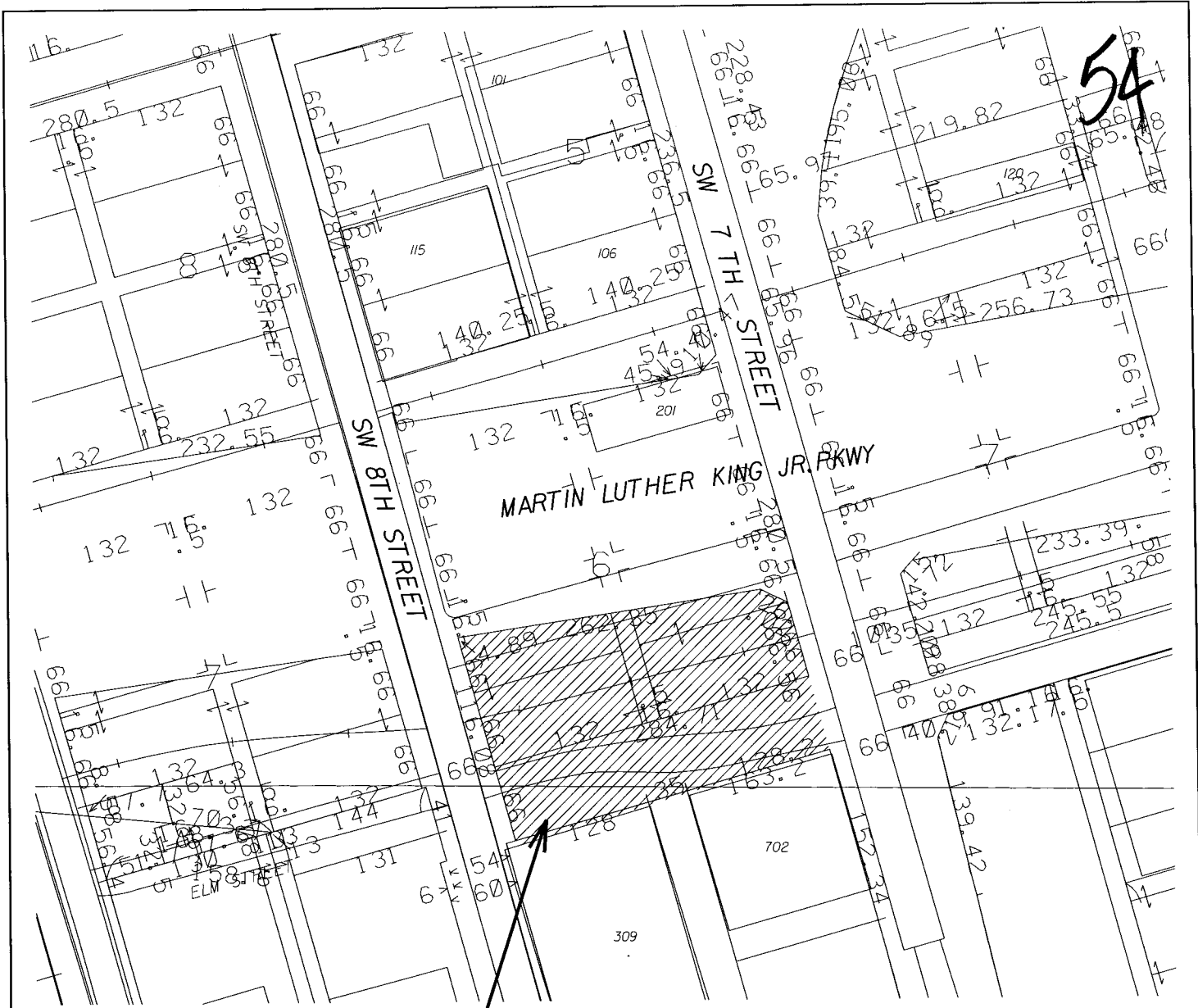
CERTIFICATE

I, JODY WITMER, Chief Deputy 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.

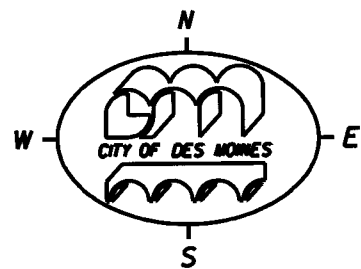
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk



**PROPERTY
LOCATION**



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