

Date June 14, 2010

**HOLD HEARING FOR VACATION AND CONVEYANCE OF BOYD STREET FROM EAST 14<sup>TH</sup> STREET TO A DEAD END POINT 328 FEET TO THE EAST, TO GRAND VIEW UNIVERSITY FOR \$32,800**

**WHEREAS**, on April 26, 2010, by Roll Call No. 10-602, the City Council received a recommendation from the City Plan and Zoning Commission that Boyd Street from East 14<sup>th</sup> Street to a dead end point 328 feet to the East, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, Grand View University is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price of \$32,800 for the vacation and purchase of such right-of-way described below, in order to use such right-of-way for the expansion of and incorporation into their existing site, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, on May 24, 2010, by Roll Call No. 10-808, 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 June 14, 2010, 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 or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of Boyd Street from East 14<sup>th</sup> Street to a dead end point 328 feet to the East, more specifically described as follows:

All of Boyd Street right-of-way lying north of and adjoining Lots 15 through 20, Wood & Bell's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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The east line of the above-described right-of-way shall be coincident with the west line of property described in the Quit Claim Deed filed in Book 12036, Pages 2 through 9 in the office of the Polk County Recorder, Polk County, Iowa.

3. That the sale and conveyance of such right-of-way to Grand View University for \$32,800 together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All of vacated Boyd Street right-of-way lying north of and adjoining Lots 15 through 20, Wood & Bell's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The east line of the above-described right-of-way shall be coincident with the west line of property described in the Quit Claim Deed filed in Book 12036, Pages 2 through 9 in the office of the Polk County Recorder, 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: Property Maintenance Endowment Fund, SP767, ENG980500.

★ Roll Call Number

Agenda Item Number

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(Council Communication No. 10-338)

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

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, 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.

MOTION CARRIED APPROVED

Mayor

City Clerk