

Date June 18, 2007

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF 14<sup>TH</sup> PLACE FROM ASCENSION STREET TO KEOSAUQUA WAY, ALONG WITH CONVEYANCE OF AN IRREGULAR PORTION OF EXCESS KEOSAUQUA WAY RIGHT-OF-WAY AND ASCENSION STREET WEST OF AND ADJOINING 14<sup>TH</sup> PLACE TO D. LANCE COOPER FOR \$5,000**

WHEREAS, on November 6, 2006, by Roll Call No. 06-2172, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of 14<sup>th</sup> Place from Ascension Street to Keosauqua Way, hereinafter more fully described, be vacated and sold, along with an irregular portion of excess Keosauqua Way right-of-way and Ascension Street West of and adjoining 14<sup>th</sup> Place; 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 June 4, 2007, by Roll Call No. 07- 1068, 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 18, 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 14<sup>th</sup> Place from Ascension Street to Keosauqua Way, more specifically described as follows:

All of 14<sup>th</sup> Place right-of-way lying West of and adjoining Lot 117, Keosauqua Way Plat No. 4, an Official Plat, and lying West of and adjoining Lots 41 thru 45, Loughery's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED  
*[Signature]*  
6/18/07

Date June 18, 2007

3. That the sale and conveyance of such right-of-way, along with an irregular portion of excess Keosauqua Way right-of-way and Ascension Street West of and adjoining 14<sup>th</sup> Place, as described below, to D. Lance Cooper for \$5,000, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

DESCRIPTION REVIEWED  
D. Lance Cooper  
6/18/07 14:33

All that part of vacated Ascension Street right-of-way (Vacated by Ordinance No. 4503, May 25, 1939) lying North of and adjoining Lot 129, Keosauqua Way Plat No. 4, an Official Plat, and Lots 127, 128 and 129 of said Keosauqua Way Plat No. 4, and all of vacated 14<sup>th</sup> Place right-of-way lying West of and adjoining Lot 117, Keosauqua Way Plat No. 4, an Official Plat, and lying West of and adjoining Lots 41 thru 45, Loughery's 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 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 originals of the said Deed and a Permanent Easement for Public Pedestrianway, 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 originals of the Deed and Easement, 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

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(Council Communication No. 07-359 )

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, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and 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