

Date July 10, 2006

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF THE EAST/WEST ALLEY BETWEEN THE NORTH/SOUTH ALLEY AND EAST 6TH STREET, SOUTH OF EAST LOCUST STREET, AND FOR THE VACATION AND CONVEYANCE OF AIR RIGHTS ABOVE THE EAST 8.3 FEET OF THE NORTH/SOUTH ALLEY, THE SOUTH 8.3 FEET OF EAST LOCUST STREET AND THE WEST 8.3 FEET OF EAST 6TH STREET ADJOINING PROPERTY OWNED BY IOWA STATE BANK AT 521 EAST LOCUST STREET FOR \$7,142.00

WHEREAS, on February 6, 2006, by Roll Call No. 06-251, the City Council adopted a recommendation from the City Plan and Zoning Commission that the East/West alley between the North/South alley and East 6th Street, South of East Locust Street, and air rights above the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6th Street adjoining property owned by Iowa State Bank at 521 East Locust 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 alley right-of-way and air rights above such rights-of-way described below; and

WHEREAS, on June 19, 2006, by Roll Call No. 06-1261, it was duly resolved by the City Council that the proposed vacation and conveyance of the alley and air rights above such rights-of-way be set down for hearing on July 10, 2006, at 5:00 p.m., in the Council Chamber; and

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

2. There is no public need for the alley and air rights proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the East/West alley between the North/South alley and East 6th Street, South of Locust Street and air rights above the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6th Street

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adjoining property owned by Iowa State Bank at 521 East Locust Street, more specifically described as follows:

The South 10.0 feet of Lot 11, Block D, Griffith's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines. Polk County, Iowa.

And

All of the Air Space which is located above the East 8.30 feet of North/South alley right-of-way lying West of and adjoining Lot 12, Block D, Griffith's Addition, an Official Plat, and lying West of and adjoining the North 50.0 feet of Lot 11 of said Block D, which is located below a plane with an elevation of 106.00 feet, City Datum and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the Air Space which is located above the South 8.30 feet of East Locust Street right-of-way lying North of and adjoining the West 70.0 feet of Lot 12, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 106.00 feet, City Datum, and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the Air Space which is located above the West 8.30 feet of East 6th Street right-of-way lying East of and adjoining Lots 7, 8, 9 and 10, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 60.66 feet, City Datum and which is located above a plane with an elevation of 43.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 30.00' City Datum at the Northeast corner of said Lot 10, and being 27.50' City Datum at the Southeast corner of said Lot 7.)

3. That the sale and conveyance of the alley and air rights above such rights-of-way, as described below, to Iowa State Bank for \$7,142.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

DESCRIPTION REVIEWED
6/14/06 15:30
[Signature]

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The vacated South 10.0 feet of Lot 11, Block D, Griffith's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines. Polk County, Iowa.

And

All of the vacated Air Space which is located above the East 8.30 feet of North/South alley right-of-way lying West of and adjoining Lot 12, Block D, Griffith's Addition, an Official Plat, and lying West of and adjoining the North 50.0 feet of Lot 11 of said Block D, which is located below a plane with an elevation of 106.00 feet, City Datum and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the vacated Air Space which is located above the South 8.30 feet of East Locust Street right-of-way lying North of and adjoining the West 70.0 feet of Lot 12, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 106.00 feet, City Datum, and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the vacated Air Space which is located above the West 8.30 feet of East 6th Street right-of-way lying East of and adjoining Lots 7, 8, 9 and 10, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 60.66 feet, City Datum and which is located above a plane with an elevation of 43.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 30.00' City Datum at the Northeast corner of said Lot 10, and being 27.50' City Datum at the Southeast corner of said Lot 7.)

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 alley right-of-way and air rights above 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

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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: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

(Council Communication No. 06-419)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
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