

★ Roll Call Number

Agenda Item Number

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Dispositions – State of Iowa: Page 1

Date July 14, 2008

HOLD HEARING FOR CORRECTED VACATION AND CONVEYANCE OF VARIOUS SEGMENTS OF RIGHT-OF-WAY IN THE VICINITY OF 3001 LOGAN AVENUE TO THE STATE OF IOWA

WHEREAS, on April 21, 2008, by Roll Call No. 08-720, after notice and public hearing, the City Council intended to approve the vacation and conveyance of various segments of right-of-way in the vicinity of 3001 Logan Avenue to the State of Iowa, described below, but said Roll Call contained an error in the legal description of Parcel A therein; and

WHEREAS, the State of Iowa is the owner of property abutting such right-of-way and has paid to the City of Des Moines the purchase price of \$13,280.00 for the purchase of such right-of-way described below; and

WHEREAS, on June 23, 2008, by Roll Call No. 08-1099, 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 July 14, 2008, 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 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 various segments of right-of-way in the vicinity of 3001 Logan Avenue, more specifically described as follows:

Parcel A

All that part of East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining the East/West alley right-of-way lying South of and adjoining Lots 4 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat and lying East of and adjoining Lot 24 of said Block B, and lying East of and adjoining Logan Avenue lying South of and adjoining said Block B, and lying East of and adjoining Block C of said Cotton Mill Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel B

All that part of Logan Avenue right-of-way lying North of and adjoining Lots 1 through 12, Block C, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION APPROVED [Signature] 6/14/08 08:20

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Parcel C

All that part of East/West alley right-of-way lying South of and adjoining Lots 4 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel D

All of the East/West alley right-of-way lying South of and adjoining Lots 1 through 12, Block C, Cotton Mill Addition to Grand Park, 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 rights-of-way, as described below, to the State of Iowa for \$13,280.00, be and is hereby approved:

Parcel A

All that part of vacated East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining the East/West alley right-of-way lying South of and adjoining Lots 4 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat and lying East of and adjoining Lot 24 of said Block B, and lying East of and adjoining Logan Avenue lying South of and adjoining said Block B, and lying East of and adjoining Block C of said Cotton Mill Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel B

All that part of vacated Logan Avenue right-of-way lying North of and adjoining Lots 1 through 12, Block C, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel C

All that part of vacated East/West alley right-of-way lying South of and adjoining Lots 4 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel D

All of the vacated East/West alley right-of-way lying South of and adjoining Lots 1 through 12, Block C, Cotton Mill Addition to Grand Park, 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 Corrected 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, 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.

DESCRIPTION APPROVED
Cotton Mill Addition
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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 Corrected Quit Claim Deed and copies of the other documents to the grantees.

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.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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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