

28

Date July 24, 2006

SET HEARING FOR THE VACATION OF PUBLIC USE ON, AND CONVEYANCE OF, CITY-OWNED PROPERTY LOCALLY KNOWN AS HAWTHORNE NORTH SOFTBALL FIELD, LOCATED ON THE SOUTH SIDE OF MAURY STREET BETWEEN SE 10TH AND SE 11TH STREETS, TO THE SOUTHERN ROSE, LP FOR \$236,320

WHEREAS, The Southern Rose, LP, Richard Helgeson, General Partner, has offered to the City of Des Moines the purchase price of \$236,320 for the conveyance of City-owned property locally known as Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets, more specifically described below.

WHEREAS, Iowa Code, Section 364.12(2)(a) requires the vacation of public use by ordinance for public grounds which are to be closed to public use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the public use of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets, more specifically described as follows:

Lots 1 thru 10, Block 5, Allen's Second Addition, an Official Plat, and the vacated North/South alley lying East of and adjoining Lots 1 thru 5, of said Block 5, Allen's Second Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Alley Vacated by Ordinance No. 5327, passed August 31, 1951.)

2. That if the City Council decides to vacate the public use of the above described City-owned property, the City of Des Moines proposes to sell such property, as described below to the grantee and for the consideration identified below:

To: The Southern Rose, LP, Richard Helgeson, General Partner, for \$236,320

Lots 1 thru 10, Block 5, Allen's Second Addition, an Official Plat, and the vacated North/South alley lying East of and adjoining Lots 1 thru 5, of said Block 5, Allen's Second Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Alley Vacated by Ordinance No. 5327, passed August 31, 1951.)

DESCRIPTION REVIEWED

[Signature]
7/19/06

★ Roll Call Number

Agenda Item Number

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3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on August 7, 2006, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

Moved by _____ to adopt.

APPROVED AS TO FORM:


Ann DiDonato
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|----------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| KIERNAN | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| BROOKS | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |
| MOTION CARRIED | APPROVED | | | |

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.

Mayor

City Clerk

