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Date August 7, 2006

SET HEARING FOR THE SALE OF CITY-OWNED PROPERTY ACQUIRED FOR AIRPORT PURPOSES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STANTON AVENUE AND SW 34TH STREET, AND FOR THE VACATION AND CONVEYANCE OF A PORTION OF STANTON AVENUE, TO JAMES J. AND JAMIE M. ELLIS FOR \$110,000

WHEREAS, on October 4, 2005, by Resolution No. A05-257, the Airport Board of the City of Des Moines recommended that the City Council approve the sale of excess real property located at the northeast corner of the intersection of Stanton Avenue and SW 34th Street, and the vacation and conveyance of a portion of Stanton Avenue, hereinafter more fully described, subject to appropriate avigation easements; and

WHEREAS, all sales of City-owned airport property are subject to review and approval by the Federal Aviation Administration, and such approval has been granted for this proposed sale; and

WHEREAS, the City will reserve a Permanent Easement for Storm Sewer and Surface Water Flowage on the subject property; and

WHEREAS, the City will reserve a Noise and Avigation Easement on the subject property; and

WHEREAS, the grantees identified below are the owners of property abutting such City-owned property and have offered to purchase the property from the City of Des Moines for the purchase price identified below.

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 a portion of Stanton Avenue, more specifically described as follows:

A PART OF THE SOUTHEAST ¼ OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 19; THENCE NORTH 0°(DEGREES) 11'(MINUTES) 40"(SECONDS) EAST ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 19, A DISTANCE OF 1,348.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE SOUTH 89°50'18" EAST, 315.92 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MCKINLEY AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°50'18" EAST ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 118.08 FEET; THENCE SOUTHWEST ALONG A 276.35 FOOT RADIUS CURVE, CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 22°17'09", A CHORD DISTANCE OF 106.81 FEET, AND A CHORD BEARING OF SOUTH 73°13'36" WEST, FOR AN ARC DISTANCE OF 107.49 FEET; THENCE NORTH 26°54'28" WEST, 34.94 FEET TO THE POINT OF BEGINNING; ALL NOW

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INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 1,465 SQUARE FEET MORE OR LESS.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way, along with City-owned property acquired for airport purposes located at the northeast corner of the intersection of Stanton Avenue and SW 34th Street, as described below, to the grantees and for the consideration identified below:

To: James J. and Jamie M. Ellis for \$110,000

A PART OF LOT 10, SERENDIPITY PLAT 4, AN OFFICIAL PLAT, AND THAT PART OF VACATED STANTON AVENUE, IN THE SOUTHEAST ¼ OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 19; THENCE NORTH 0°(DEGREES) 11'(MINUTES) 40"(SECONDS) EAST ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 19, A DISTANCE OF 1,348.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE SOUTH 89°50'18" EAST, 315.92 FEET TO THE POINT OF BEGINNING; THENCE NORTH 26°54'28" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MCKINLEY AVENUE, 463.28 FEET TO THE NORTHERLY LINE OF SAID LOT 10; THENCE SOUTH 89°49'26" EAST, 354.51 FEET TO THE EAST LINE OF SAID LOT 10; THENCE SOUTH 0°14'58" WEST 412.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 89°50'18" WEST, 24.97 FEET; THENCE SOUTHWEST ALONG A 276.35 FOOT RADIUS CURVE, CONCAVE SOUTHEAST, WITH A CENTRAL ANGLE OF 22°17'09" A CHORD DISTANCE OF 106.81 FEET, AND A CHORD BEARING OF CENTRAL ANGLE 22°17'09", A CHORD DISTANCE OF 106.81 FEET, AND A CHORD BEARING OF SOUTH 73°13'36" WEST, FOR AN ARC DISTANCE OF 107.49 FEET; THENCE NORTH 26°54'28" WEST, 34.94 FEET TO THE POINT OF BEGINNING; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 104,080 SQUARE FEET MORE OR LESS.

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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 21, 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 207, Airport Operations, EN002.

★ Roll Call Number

Agenda Item Number


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Moved by _____ to adopt.

APPROVED AS TO FORM:


 David A. Ferree
 Assistant City Attorney

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

MOTION CARRIED APPROVED

 Mayor

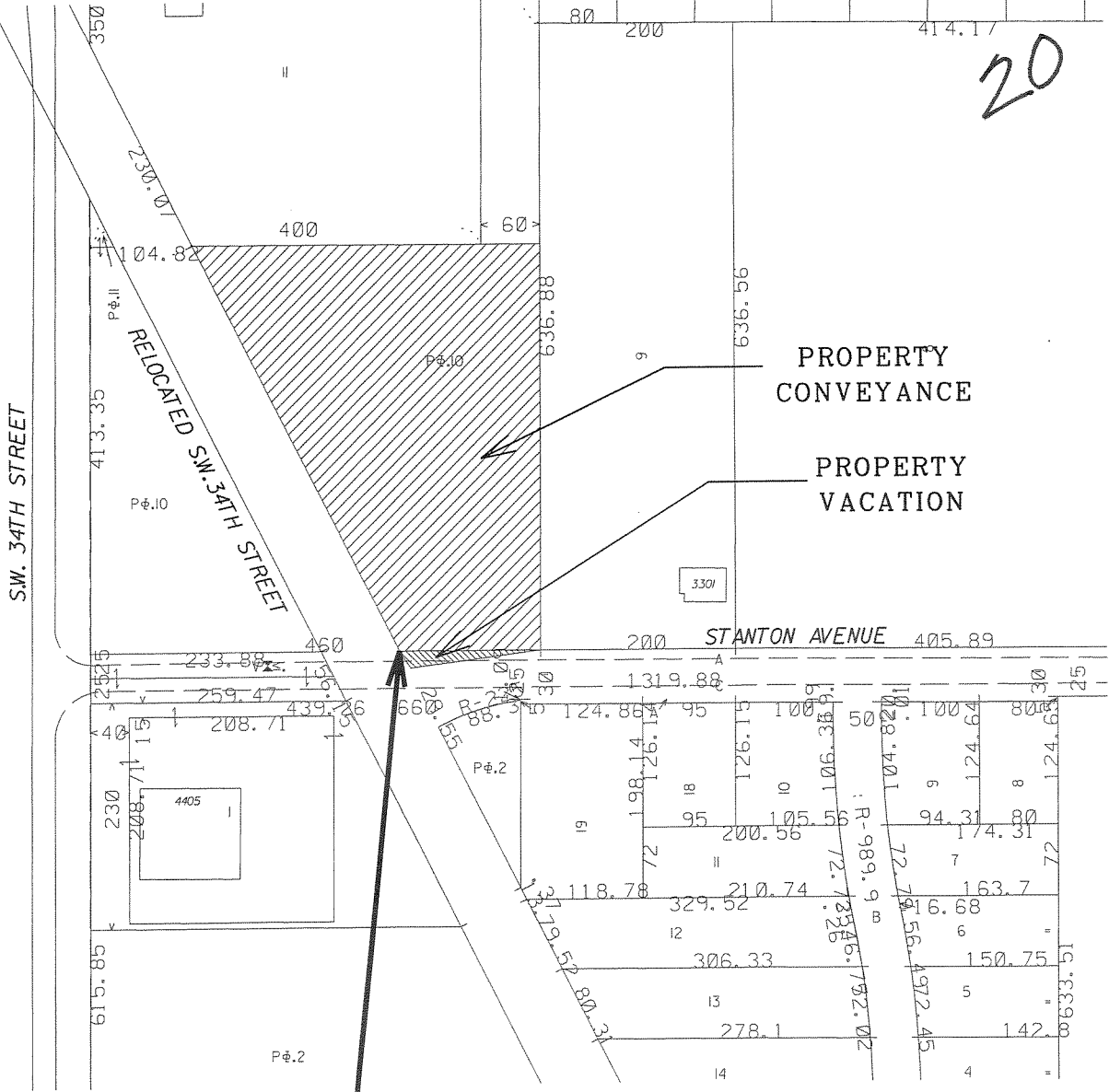
CERTIFICATE

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.

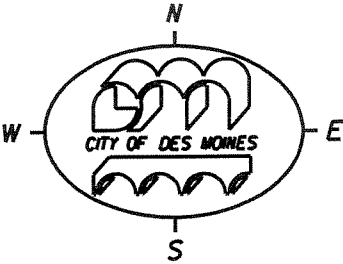
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

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PROPERTY LOCATION



PROPERTY DISPOSITION
AIRPORT-IANG-LAND DISPO
PARCEL #1; BUYER: ELLIS
ACTIVITY I.D. 34-2006-030