

44

Date August 7, 2006

**HOLD HEARING FOR THE VACATION OF PUBLIC USE ON, AND CONVEYANCE OF, CITY-OWNED PROPERTY LOCALLY KNOWN AS HAWTHORNE NORTH SOFTBALL FIELD, LOCATED SOUTH OF MAURY STREET BETWEEN SE 10<sup>TH</sup> AND SE 11<sup>TH</sup> 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 identified below for the purchase of such City-owned property described below; and

**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.

**WHEREAS**, on July 24, 2006, by Roll Call No. 06- 1453, it was duly resolved by the City Council that the proposed vacation of public use on, and conveyance of, such City-owned property be set down for hearing on August 7, 2006, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate public use on and convey City-owned property 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 of public use on, and conveyance of, 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 of public use on, and conveyance of, City-owned property as described below are hereby overruled and the hearing is closed.
2. There is no public need for such property, and the public would not be inconvenienced by reason of the vacation of public use on City-owned property locally known as Hawthorne North Softball Field, located south of Maury Street between SE 10<sup>th</sup> and SE 11<sup>th</sup> 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.)

DESCRIPTION APPROVED  
*[Signature]*  
7/19/06 10:40

Date August 7, 2006

3. That the sale and conveyance of such City-owned property, as described below, to The Southern Rose, LP, Richard Helgeson, General Partner, for the consideration of \$236,320, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to the City Plan and Zoning Commission approval of a development plan, including a future right-of-way vacation and conveyance approval for a ten-foot strip of existing SE 10<sup>th</sup> and SE 11<sup>th</sup> Street right-of-way adjoining the property, and issuance of a building permit:

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.)

4. The Mayor is authorized and directed to sign the Offer to Purchase and the 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 public use on said City-owned property 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 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 grantees.

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.

DESCRIPTION APPROVED  
7/19/06 10:44

★ Roll Call Number

Agenda Item Number

44

Dispositions – Hawthorne North Softball Field: Page 3

Date August 7, 2006

(Council Communication No. 06- 488 )

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				
VCLASSIS				
TOTAL				

**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.

MOTION CARRIED APPROVED  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk