

Date August 21, 2006

HOLD 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 right-of-way, 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; and

WHEREAS, on August 7, 2006, by Roll Call No. 06- 1571, it was duly resolved by the City Council that the proposed sale of City-owned property and vacation and conveyance of such right-of-way be set down for hearing on August 21, 2006, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to convey City-owned property and 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 to present 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 right-of-way as described below are hereby overruled and the hearing is closed.

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2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of 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 INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 1,465 SQUARE FEET MORE OR LESS.

3. That the sale of such right-of-way and of City-owned excess property acquired for airport purposes, described below, to James J. and Jamie M. Ellis for \$110,000, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.

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

DESCRIPTION REVIEWED
[Signature]
8/21/06

Date August 21, 2006

CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 104,080 SQUARE FEET MORE OR LESS.

4. The Mayor is authorized and directed to sign the Offer to Purchase, Quit Claim Deed, Permanent Easement for Storm Sewer and Surface Water Flowage, and Noise and Avigation Easement 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 right-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 originals of the said Deed and Easements, 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 originals of the Deed and Easements, 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. In accordance with Federal Aviation Administration funding requirements, the proceeds from the sale of this property will be used for airport operating expenses and will be deposited into the following account: 2006-07 Operating Budget, Page 207, Airport Operations, EN002.

(Council Communication No. 06-535)

★ Roll Call Number

Agenda Item Number


45

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Moved by _____ to adopt.

APPROVED AS TO FORM:


 David A. Ferree
 Assistant City Attorney

rs

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
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