

Date August 24, 2009

**HOLD HEARING FOR THE CONVEYANCE OF CITY-OWNED REAL ESTATE AND FOR THE VACATION AND CONVEYANCE OF THE ADJOINING ALLEY AT THE CORNER OF INDIANOLA ROAD AND EDISON AVENUE TO THE ST. ANTHONY'S CHURCH OF DES MOINES, POLK COUNTY, IOWA FOR \$300**

**WHEREAS**, on November 24, 2008, by Roll Call No. 08-2043, the City of Des Moines City Council received a recommendation from the Plan and Zoning Commission for vacation and conveyance of the north/south alley between SW 1<sup>st</sup> Street and Indianola Avenue from Edison Avenue to Indianola Avenue; and

**WHEREAS**, The St. Anthony's Church of Des Moines, Polk County, Iowa is the owner of real property abutting said north/south alley and additional excess City-owned property located at the corner of Indianola Road and Edison Avenue, hereinafter more fully described, and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portion of such right-of-way and excess property described below; and

**WHEREAS**, on August 10, 2009, by Roll Call No. 09-1441, it was duly resolved by the City Council that the proposed vacation and conveyance of the north/south alley between SW 1<sup>st</sup> Street and Indianola Avenue from Edison Avenue to Indianola Avenue, and the conveyance of another portion of excess City-owned property, to The St. Anthony's Church of Des Moines, Polk County, Iowa for \$300 be set down for hearing on August 24, 2009, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey public right-of-way and convey excess 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 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 right-of-way and conveyance of excess City-owned property 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 the north/south alley between SW 1<sup>st</sup> Street and Indianola Avenue from Edison Avenue to Indianola Avenue, more specifically described as follows:

All that part of North/South Alley right-of-way lying South of the southwesterly right-of-way line of Indianola Avenue and lying northerly of the northwesterly extension of the Southerly line of Lot 5, Block 11, Van's Addition, an Official Plat, and lying easterly of and adjoining Lots 3 and 4 of said Block 11, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of the following-described portion of such alley right-of-way, along with another portion of excess City-owned property, to The St. Anthony's Church of Des Moines, Polk County, Iowa for \$300 together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All that part of vacated North/South Alley right-of-way lying South of the southwesterly right-of-way line of Indianola Avenue and lying northerly of the northwesterly extension of the Southerly line of Lot 5, Block 11, Van's Addition, an Official Plat, and lying easterly of and adjoining Lots 3 and 4 of said Block 11, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

Parcel "A" in Lots 5 and 6, Block 11, Van's Addition to South Des Moines, an Official Plat as recorded in Book 10252, Page 873 on November 5, 2003 in the Records Office of Polk County, Iowa.

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 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 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.

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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: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 09-606 )

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*  
 Glenna K. Frank  
 Assistant City Attorney

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

MOTION CARRIED

APPROVED

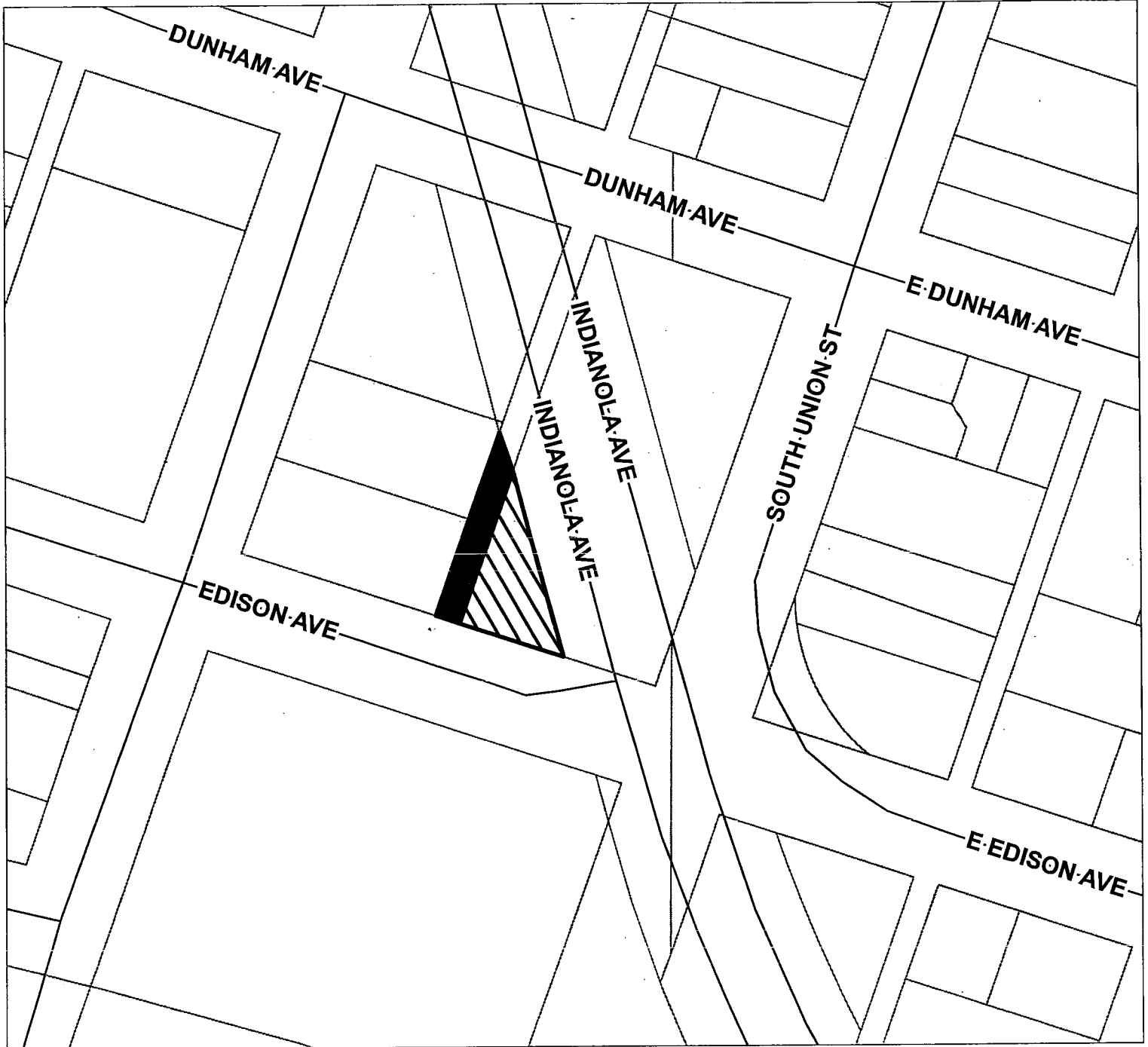
\_\_\_\_\_  
 Mayor

**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



**Legend**

-  VACATE AND CONVEY
-  CONVEY ONLY



**DISPOSITION -  
ST. ANTHONY'S CHURCH**