

Date September 11, 2006

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF AN UNDEVELOPED SEGMENT OF TERRACE DRIVE ADJOINING 122 56<sup>TH</sup> STREET TO MICHELE D. KLEIBER FOR \$150 AND TO DARWIN AND SHIRLEY MUNIER FOR \$50**

WHEREAS, on June 5, 2006, by Roll Call No. 06-1093, the City Council adopted a recommendation from the City Plan and Zoning Commission that an undeveloped 14 foot wide segment of Terrace Drive extending from 56<sup>th</sup> Street to a point 150 feet to the west, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantees identified below are the owners of property abutting such right-of-way and have offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below; and

WHEREAS, on August 7, 2006, by Roll Call No. 06-1570, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on ~~Sept. 11,~~ 2006, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal 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 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, as described below, are hereby overruled and the hearing is closed.

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 an undeveloped 14 foot wide segment of Terrace Drive extending from 56<sup>th</sup> Street to a point 150 feet to the west, more specifically described as follows:

The East 150.0 feet of Lot C (also known as Terrace Drive), Grand Avenue Place, an Official Plat, lying South of and adjoining Lot 43 of said Grand Avenue Place, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED  
*[Signature]*  
9/11/06

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3. That the sale and conveyance of such right-of-way, as described below, to Michele D. Kleiber for \$150 and to Darwin D. and Shirley A. Munier for \$50, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

To: Michele D. Kleiber for \$150

The East 150.0 feet, except the South 7.0 feet of the West 25.0 feet of the East 150.0 feet, of vacated Lot C (also known as Terrace Drive), Grand Avenue Place, an Official Plat, lying South of and adjoining Lot 43 of said Grand Avenue Place, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Darwin D. and Shirley A. Munier for \$50

The South 7.0 feet of the West 25.0 feet of the East 150.0 feet of vacated Lot C (also known as Terrace Drive), Grand Avenue Place, an Official Plat, lying North of and adjoining Lot 22, Hillside Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED  
[Signature]  
9/11/06 09:30

4. The Mayor is authorized and directed to sign the Offers to Purchase and the Quit Claim Deeds 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 said Deeds, 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 Deeds, 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.

★ Roll Call Number

Agenda Item Number

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(Council Communication No. 06-572)

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

APPROVED AS TO FORM:

*Ann DiDonato*

Ann DiDonato  
Assistant City Attorney

*PSM*

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