

Date September 14, 2009

SET HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR SEGMENT OF EAST 14TH STREET RIGHT-OF-WAY LOCATED WEST OF THE TRAVELLED PORTION OF THE STREET AND RUNNING APPROXIMATELY 376 FEET SOUTH OF EAST COURT AVENUE, AND PORTIONS OF STREET AND ALLEY RIGHTS-OF-WAY IN THE VICINITY OF THE STATE JUDICIAL BUILDING, TO THE STATE OF IOWA FOR \$1

WHEREAS, on November 6, 2006, by Roll Call No. 06-2173, the City Council adopted a recommendation from the City Plan and Zoning Commission that portions of street and alley rights-of-way in the vicinity of the State Judicial Building, hereinafter more fully described, be vacated and conveyed; and

WHEREAS, at their meeting on August 20, 2009, the City Plan and Zoning Commission has considered and recommended conditional approval for the vacation and conveyance of an irregular segment of East 14th Street right-of-way located west of the travelled portion of the street and running approximately 376 feet south of East Court Avenue, hereinafter more fully described, and on September 14, 2009, the City Council will receive and file the Plan and Zoning Commission's report and recommendation, prior to proceeding with the public hearing for the sale of this property; and

WHEREAS, the grantee identified below is the owner of property abutting such rights-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portions of such rights-of-way described 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 an irregular segment of East 14th Street right-of-way located west of the travelled portion of the street and running approximately 376 feet south of East Court Avenue, and portions of street and alley rights-of-way in the vicinity of the State Judicial Building, more specifically described as follows:

All that part of Block A, (East 12th Street right-of-way) of B. F. Allen, J. S. Polk and F. M. Hubbell's Re-platting and Subdivision of W.A. Scott's Addition or Subdivision, an Official Plat, lying West of and adjoining Lots 7 thru 9 of the Official Plat of Lot 1 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

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All that part of the North/South alley right-of-way lying East of and adjoining Lots 7 thru 9 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of East 13th Street lying East of and adjoining Lots 10 thru 12 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of the North/South alley right-of-way lying East of and adjoining Lots 29 and 30 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

A part of the existing right-of-way of Southeast 14th Street described as follows:

Commencing at the Northwest corner of Block 9 of W. A. Scott's Addition, an Official Plat; thence South 78°(Degrees) 40'(Minutes) 34" (Seconds) East along the South right-of-way line of East Court Avenue, 235.18 feet to a point on the West right-of-way line of Southeast 14th Street, thence South 50°16'26" East along said West right-of-way line, 34.93 feet to the point of beginning; thence continue South 50°16'26" East, 16.14 feet; thence South 00°15'22" West, 375.67 feet; thence South 75°10'44" West, 7.39 feet to a point on said West right-of-way line of Southeast 14th Street; thence the following courses and distances along said West Right-of-way line: North 14°49'16" West, 80.00 feet; thence South 75°10'44" West, 29.97 feet; thence North 00°44'22" East, 129.63 feet; thence North 68°53'40" East, 10.06 Feet; thence North 89°54'55" East, 36.27 feet; thence North 00°27'27" West, 184.91 feet to the point of beginning and containing 0.24 acres (10,541 S.F.).

.....
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2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to sell such rights-of-way, as described below, to the grantee and for the consideration identified below:

To: State of Iowa for \$1

All that part of vacated Block A, (East 12th Street right-of-way) of B. F. Allen, J. S. Polk and F. M. Hubbell's Re-platting and Subdivision of W.A. Scott's Addition or Subdivision, an Official Plat, lying West of and adjoining Lots 7 thru 9 of the Official Plat of Lot 1 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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And

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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 September 28, 2009, 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. There will be no proceeds associated with the conveyance of this property in accordance with Iowa Code Section 364.7(3).

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				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

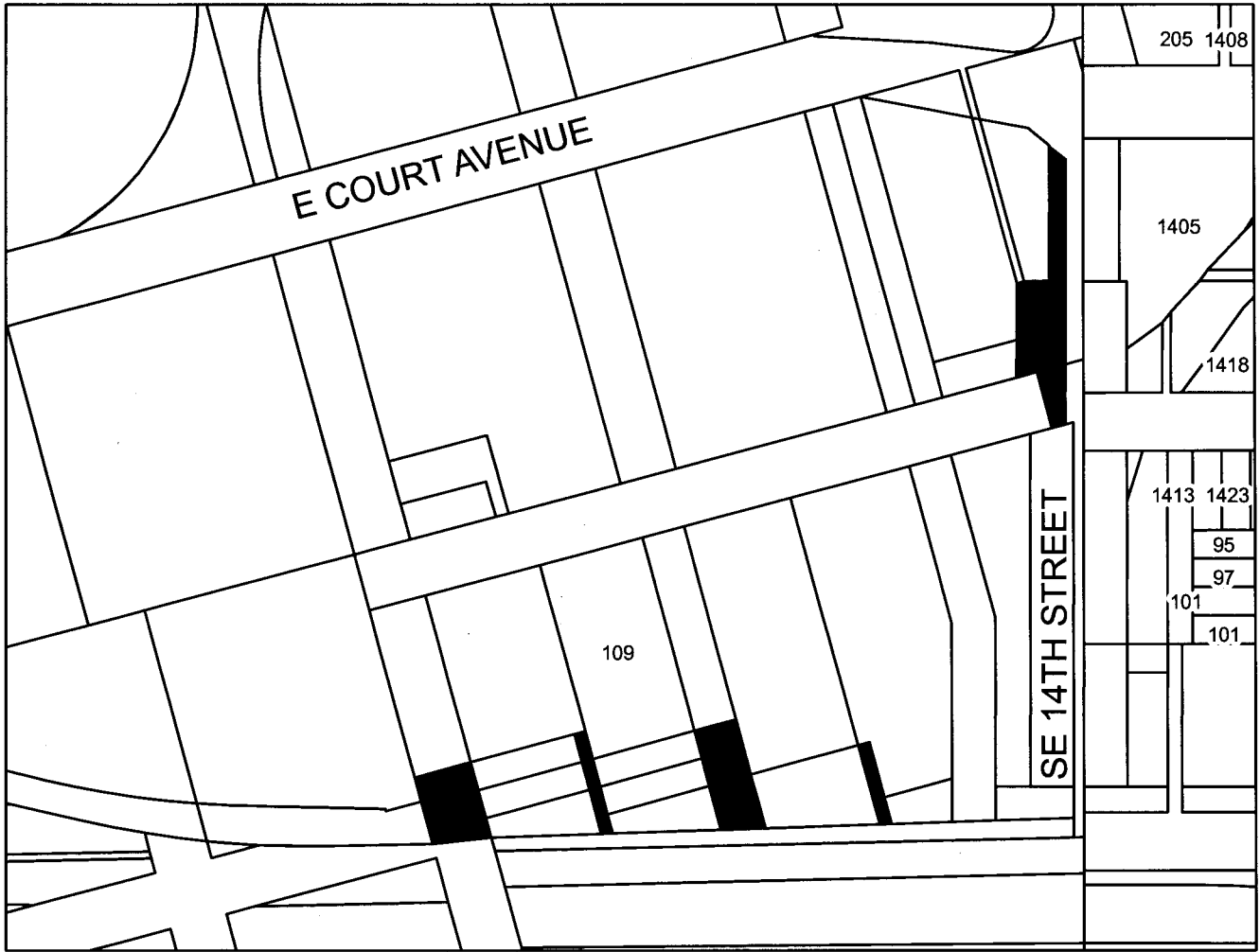
 Mayor

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

 PROJECT LOCATION



**DISPOSITION -
STATE OF IOWA**