

Date October 8, 2007

HOLD HEARING ON VACATION AND CONVEYANCE OF A PORTION OF GRANDVIEW AVENUE AND PORTIONS OF THE ALLEYS IN THE GRAND VIEW COLLEGE CAMPUS TO GRAND VIEW COLLEGE IN CONJUNCTION WITH THE EAST 14TH STREET WIDENING PROJECT FOR \$68,585

WHEREAS, the City of Des Moines is acquiring property interests from Grand View College in conjunction with the East 14th Street Widening – Arthur Avenue to East Tiffin Avenue Project; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has 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 January 8, 2007, by Roll Call No. 07-035, the City Council adopted a recommendation from the City Plan and Zoning Commission that Grandview Avenue between East 13th Street and East 14th Street; the East/West and North/South alley between Grandview Avenue and Morton Avenue east of East 13th Street; a segment of the East/West alley between Morton Avenue and East Sheridan Avenue from East 14th Street to a point approximately 84 feet to the west; and all of the East/West alley between Grandview Avenue and Boyd Street from East 13th Street to East 14th Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, on September 24, 2007, by Roll Call No. 07- 1837, 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 October 8, 2007, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey this 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 this 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 the proposed vacation and conveyance of this public right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the public right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of this property, more specifically described as follows:

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Disposition – Grand View College: Page 2

Parcel 1

All of the Grandview Avenue right-of-way lying South of and adjoining Lots 16 through 29, and all of the Grandview Avenue right-of-way lying South of and adjoining the West 31.50 feet of Lot 30, Block 6, Grand View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel 2

All of the East/West alley right-of-way lying South of and adjoining Lots 7 through 15, and all of the East/West alley right-of-way lying South of and adjoining the West 20.00 feet of Lot 6, Block 7, Grand View, an Official Plat, and the East 20.00 feet of the West 45.00 feet of Lot 25, said Block 7, and a triangular parcel described as follows: Beginning at the Northwest corner of said Lot 25; thence easterly along the North line of said Lot 25 a distance of 25.00 feet to a point; thence southerly along a straight line parallel with the West line of said Lot 25, a distance of 25.00 feet to a point; thence northwesterly along a straight line to the point of beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel 3

All of the East/West alley right-of-way lying South of and adjoining Lot 2, and all of the East/West alley right-of-way lying South of and adjoining the West 34.50 feet of Lot 1, Block 12, Grand View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel 4

All of the East/West alley right-of-way lying South of and adjoining Lots 2 through 15, and all of the East/West alley right-of-way lying South of and adjoining the West 34.50 feet of Lot 1, Block 6, Grand View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

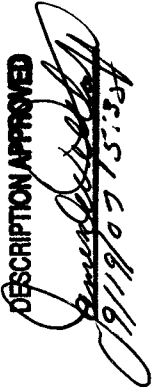
3. That the sale and conveyance of such City-owned property, as described below, to Grand View College for \$68,585.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

To: Grand View College for \$68,585

Parcel 1

All of the vacated Grandview Avenue right-of-way lying South of and adjoining Lots 16 through 29, and all of the vacated Grandview Avenue right-of-way lying South of and adjoining the West 31.50 feet of Lot 30, Block 6, Grand View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION APPROVED



10/11/07 15:30

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Parcel 2

All of the vacated East/West alley right-of-way lying South of and adjoining Lots 7 through 15, and all of the vacated East/West alley right-of-way lying South of and adjoining the West 45.00 feet of Lot 6, Block 7, Grand View, an Official Plat, (East 25.00 feet of the East/West alley right-of-way lying South of and adjoining the West 45.00 feet of said Lot 6 vacated by Ordinance No. 7401) and the vacated East 20.00 feet of the West 45.00 feet of Lot 25, said Block 7, and a vacated triangular parcel described as follows: Beginning at the Northwest corner of said Lot 25; thence easterly along the North line of said Lot 25, a distance of 25.00 feet to a point; thence southerly along a straight line parallel with the West line of said Lot 25 a distance of 25.00 feet to a point; thence northwesterly along a straight line to the point of beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel 3

All of the vacated East/West alley right-of-way lying South of and adjoining Lot 2, and all of the vacated East/West alley right-of-way lying South of and adjoining the West 34.50 feet of Lot 1, Block 12, Grand View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Parcel 4

All of the vacated East/West alley right-of-way lying South of and adjoining Lots 2 through 15, and all of the vacated East/West alley right-of-way lying South of and adjoining the West 34.50 feet of Lot 1, Block 6, Grand View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION APPROVED
10/11/07
C. J. [Signature]

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed with Reservation of Easement for the conveyance as 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 this 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.

★ Roll Call Number

Agenda Item Number

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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 Deed and copies of the other documents to the grantees.
8. The proceeds from this disposition will be deposited into the following account: 2007-08 CIP, Street Improvements – Page 14, E. 14th Street Widening, Project STR223, Fund CP038, Org. ENG990000

(Council Communication No. 07-604)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

RAU

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