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Date October 9, 2006

SET HEARING FOR THE VACATION AND CONVEYANCE OF A PORTION OF MARYLAND PIKE RIGHT-OF-WAY LOCATED IN THE VICINITY OF 2300 BEAVER AVENUE TO 2300 BEAVER, L.L.C. FOR \$1,000 AND TO MARK E. AND KAREN E. BARKLEY FOR \$100

WHEREAS, on September 11, 2006, by Roll Call No. 06-1761, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of Maryland Pike right-of-way adjoining 4116 Maryland Pike, hereinafter more fully described, be vacated and sold; and

WHEREAS, on September 11, 2006, by Roll Call No. 06-1762, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of Maryland Pike right-of-way adjoining 2300 Beaver Avenue, 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 the portion of such right-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 a portion of Maryland Pike right-of-way adjoining 2300 Beaver Avenue and 4116 Maryland Pike, more specifically described as follows:

All that part of Lot A, Maryland Park, an Official Plat, as recorded in Book G, Page 81, at the Polk County Recorder's Office, that lies within the following described lines, lying North of and adjoining to Lot 1, Block B, of said Maryland Park:

Beginning at the Northerly corner of said Lot 1, Maryland Park; thence North 41°(degrees) 24'(minutes) 36"(seconds) East, 11.00 feet; thence South 55°57'23" East, 106.26 feet to the beginning of a curve tangent to said line; thence Southeasterly along a 14.22 foot radius curve concave Southwest with a central angle of 57°30'46", a chord distance of 13.68 feet with a chord bearing of South 27°12'00" East, for an arc length of 14.27 feet; thence South 01°32'45" West, 39.69 feet to a point of cusp on a curve concave to the Southwest having a radius of 73.15 feet and a central angle of 17°06'31" and being subtended by a chord which bears North 37°11'10" West 21.76 feet; thence Northwesterly along said curve, 21.84 feet; thence North 45°22'26" West non-tangent to said curve, 97.31 feet to the beginning of a curve concave to the Southwest having a radius of 766.73 feet and a central angle of 1°52'31" and being subtended by a chord which bears North 46°09'49" West, 25.09 feet; thence

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Northwesterly along said curve, 25.09 feet to the Point of Beginning. Containing 0.07 ACRES (2641 sq. ft.), more or less.

And

That portion of said Lot A, (Maryland Pike), lying South of a line being on the northerly extension of the East line of Lot 35, of said Maryland Park, 11.0 feet, thence northwesterly along a line to the Northwest corner of said Lot 35 to the point of terminus, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

To: 2300 Beaver, L.L.C. for \$1,000

All that part of vacated Lot A, Maryland Park, an Official Plat, as recorded in Book G, Page 81, at the Polk County Recorder's Office, that lies within the following described lines, lying North of and adjoining to Lot 1, Block B, of said Maryland Park:

Beginning at the Northerly corner of said Lot 1, Maryland Park; thence North 41°(degrees) 24'(minutes) 36"(seconds) East, 11.00 feet; thence South 55°57'23" East, 106.26 feet to the beginning of a curve tangent to said line; thence Southeasterly along a 14.22 foot radius curve concave Southwest with a central angle of 57°30'46", a chord distance of 13.68 feet with a chord bearing of South 27°12'00" East, for an arc length of 14.27 feet; thence South 01°32'45" West, 39.69 feet to a point of cusp on a curve concave to the Southwest having a radius of 73.15 feet and a central angle of 17°06'31" and being subtended by a chord which bears North 37°11'10" West 21.76 feet; thence Northwesterly along said curve, 21.84 feet; thence North 45°22'26" West non-tangent to said curve, 97.31 feet to the beginning of a curve concave to the Southwest having a radius of 766.73 feet and a central angle of 1°52'31" and being subtended by a chord which bears North 46°09'49" West, 25.09 feet; thence Northwesterly along said curve, 25.09 feet to the Point of Beginning. Containing 0.07 ACRES (2641 sq. ft.), more or less.

To: Mark E. and Karen E. Barkley for \$100

All that part of vacated Lot A, (Maryland Pike), lying South of a line being on the northerly extension of the East line of Lot 35, Maryland Park, an Official Plat, 11.0 feet, thence northwesterly along a line to the Northwest corner of said Lot 35 to the

DESCRIPTION REVIEWED

*[Handwritten signature]*

*[Handwritten signature]*

★ **Roll Call Number**

**Agenda Item Number**

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Dispositions – 2300 Beaver, LLC/Barkley: Page 3

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point of terminus, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

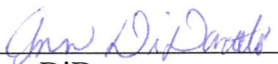
3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on October 23, 2006, said meeting to be held at 5:00 p.m., in the Council Chamber.

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. The proceeds from the sale of this property shall be deposited into the following account: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

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

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Ann DiDonato  
 Assistant City Attorney

*PTM*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

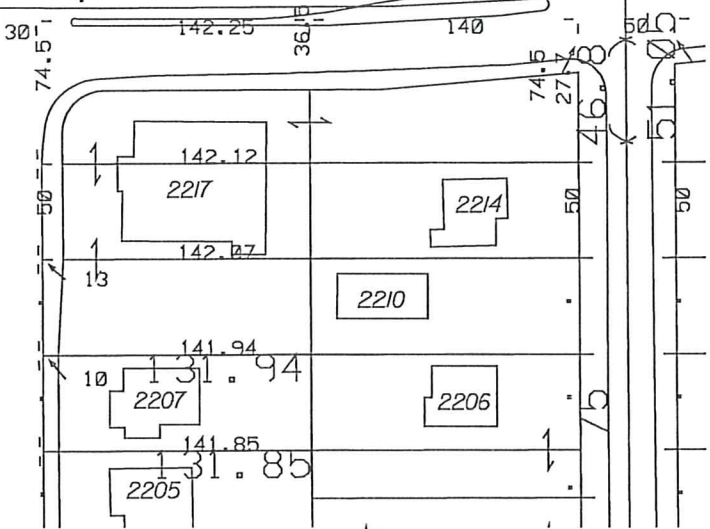
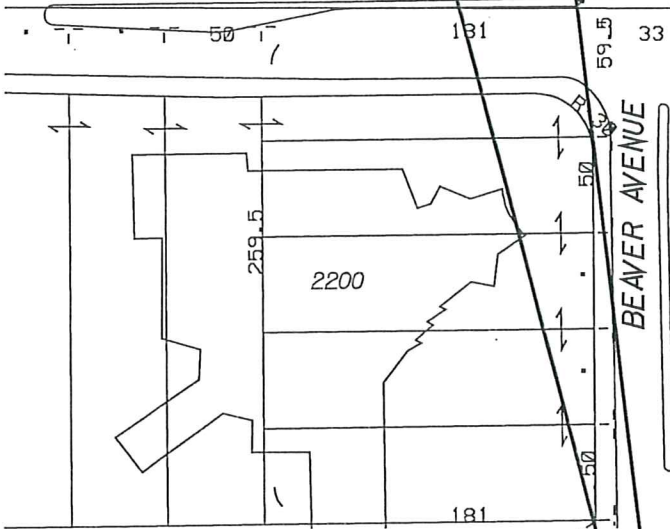
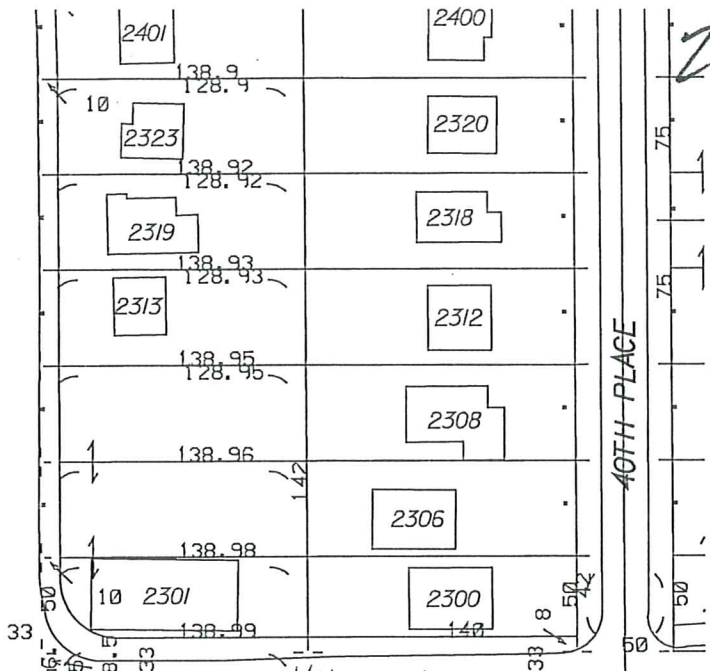
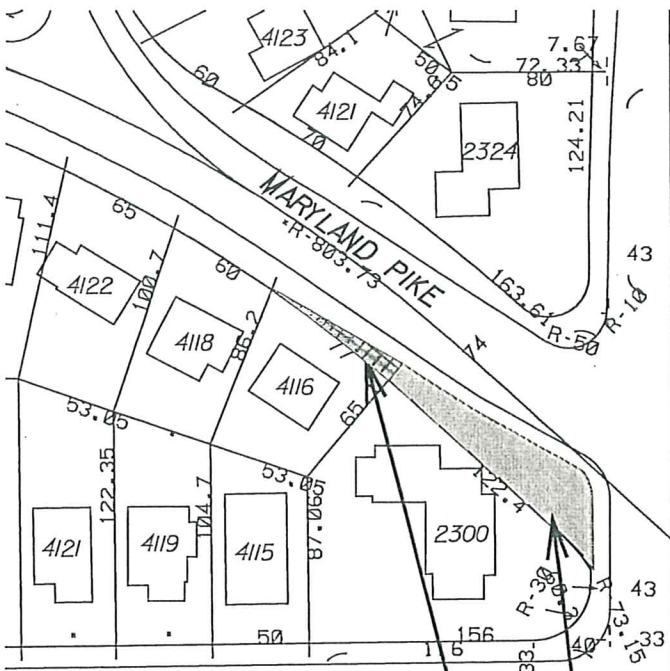
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ Mayor

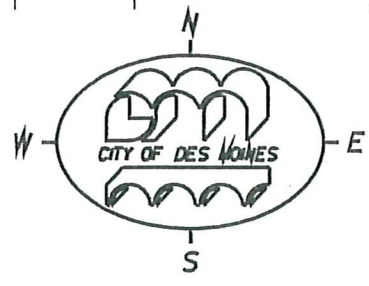
\_\_\_\_\_ City Clerk





BARKLEY

2300 BEAVER, L.L.C.



PROPERTY DISPOSITION  
 ADJ 2300 BEAVER AVE  
 2300 BEAVER L.L.C.  
 ACTIVITY I.D. 34-2007-013