

Date October 22, 2007

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SE 1<sup>ST</sup> STREET RIGHT-OF-WAY, ALONG WITH CONVEYANCE OF A SEGMENT OF PREVIOUSLY VACATED MONROE STREET, ALL ADJOINING 1306 SE 1<sup>ST</sup> STREET, TO 1306 DIAMOND VIEW, LLC FOR \$7,610**

**WHEREAS**, on October 25, 2004, by Roll Call No. 04-2309, the City Council passed Ordinance No. 14,382 vacating a segment of Monroe Street right-of-way in the vicinity of 1306 SE 1<sup>st</sup> Street; and

**WHEREAS**, on June 7, 2004, by Roll Call No. 04-1144, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of SE 1<sup>st</sup> Street right-of-way adjoining 1306 SE 1<sup>st</sup> Street, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, the grantee identified below is purchasing 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 a portion of SE 1<sup>st</sup> Street right-of-way, along with purchase of a segment of previously vacated Monroe Street, all adjoining 1306 SE 1<sup>st</sup> Street, as described below; and

**WHEREAS**, on October 8, 2007, by Roll Call No. 07- 1938, 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 22, 2007, 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 a portion of SE 1<sup>st</sup> Street right-of-way adjoining 1306 SE 1<sup>st</sup> Street, more specifically described as follows:

All that part of Lots 6, 7 and 8, Block 19, South Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:



Date October 22, 2007

Beginning at the Southeast corner of Lot 6 in said Block 19; thence North 75°(Degrees) 05(Minutes) 44"(Seconds) West, along the South line of said Lot 6, a distance of 7.00 feet; thence North 17°30'00" East, 68.50 feet to a point on the northerly line of said Lot 6 which is 7.00 feet westerly of the Northeast corner of said Lot 6; thence North 11°42'43" East, 68.64 feet to a point on the northerly line of said Lot 7 which is 14.00 feet westerly of the Northeast corner of said Lot 7; thence North 02°29'42" West, 71.57 feet to a point on the Northerly line of said Lot 8 which is 38.50 feet westerly of the Northeast corner of said Lot 8; thence South 75°24'18" East, along the North line of said Lot 8, a distance of 10.00 feet; thence South 00°10'19" East, 70.75 feet; thence South 13°22'53" West, 68.58 feet; thence South 15°49'37" West, 68.45 feet to the Point of Beginning. Said parcel contains by survey 1403 sq ft.

3. That the sale and conveyance of such right-of-way, along with a segment of previously vacated Monroe Street, as described below, to 1306 Diamond View, LLC for \$7,610, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

DESCRIPTION APPROVED  
*[Signature]*  
10/23/07 12:57

All that part of vacated Lots 6, 7 and 8, Block 19, South Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the Southeast corner of Lot 6 in said Block 19; thence North 75°(Degrees) 05(Minutes) 44"(Seconds) West, along the South line of said Lot 6, a distance of 7.00 feet; thence North 17°30'00" East, 68.50 feet to a point on the northerly line of said Lot 6 which is 7.00 feet westerly of the Northeast corner of said Lot 6; thence North 11°42'43" East, 68.64 feet to a point on the northerly line of said Lot 7 which is 14.00 feet westerly of the Northeast corner of said Lot 7; thence North 02°29'42" West, 71.57 feet to a point on the Northerly line of said Lot 8 which is 38.50 feet westerly of the Northeast corner of said Lot 8; thence South 75°24'18" East, along the North line of said Lot 8, a distance of 10.00 feet; thence South 00°10'19" East, 70.75 feet; thence South 13°22'53" West, 68.58 feet; thence South 15°49'37" West, 68.45 feet to the Point of Beginning. Said parcel contains by survey 1403 sq ft.

And

All that part of vacated Monroe Street (vacated by Ordinance No. 14382) lying North of Lots 1 and 8, Block 19, South Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence North 17°(Degrees) 37'(Minutes) 36"(Seconds) East, along the northerly projection of the East line of South Union Street, 24.00 feet; thence South 87°51'35" East, 136.48 feet; thence South 80°28'23" East, 79.14 feet; thence South 22°49'56" East, 25.15 feet; thence South 20°17'43" East, 18.26 feet; thence South 16°22'51" East, 11.65 feet; thence South 09°38'15" East, 16.43 feet; thence North 75°24'18" West, along the North line of said Lot 8, a distance of 10.00 feet to a point on the northerly line of said Lot 8, which is 38.50 feet westerly of the Northeast corner of said Lot 8; thence North

★ Roll Call Number

Agenda Item Number

44

Dispositions – 1306 Diamond View, LLC: Page 3

Date October 22, 2007



09°36'21" West, 36.13 feet to a point being 55.00 feet westerly of the northerly projection of the easterly line of said Block 19; thence North 22°56'49" West, 8.82 feet to a point being 40.00 feet northerly of the North line of said Lot 8; thence North 75°24'18" West, being parallel with the North line of said Lot 8, a distance of 87.77 feet; thence South 17°30'00" West, 40.00 feet to the Northeast corner of Lot 1, Block 19; thence North 75°36'31" West, 131.85 feet along the North line of said Lot 1 to the Point of Beginning. Said parcel contains by survey 7374 sq ft.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed 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 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.

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 grantee.

8. The proceeds from the sale of this property will be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

★ Roll Call Number

Agenda Item Number

44

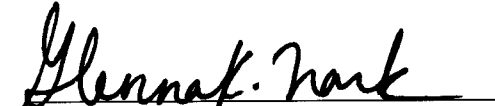
Date October 22, 2007

Dispositions – 1306 Diamond View, LLC: Page 4

(Council Communication No. 07-634)

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

APPROVED AS TO FORM:

  
 Glenna K. Frank  
 Assistant City Attorney

*ps*

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