

Date October 23, 2006

SET HEARING FOR THE VACATION AND CONVEYANCE OF PORTIONS OF RIGHTS-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF COUNTY LINE ROAD AND FLEUR DRIVE TO UNITED PROPERTIES INVESTMENT COMPANY, L.C. FOR \$86,000

WHEREAS, on November 7, 2005, by Roll Call No. 05-2658, the City Council adopted a recommendation from the City Plan and Zoning Commission that portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive, hereinafter more fully described, be vacated and sold; 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 portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive, more specifically described as follows:

PARCEL "A"

A TRACT OF LAND LOCATED IN THE NE FRL 1/4 NW FRL 1/4 OF SECTION 5 AND IN THE NW FRL 1/4 NW FRL 1/4 OF SECTION 5, ALL IN TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N 1/4 CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH LINE OF NW FRL 1/4 OF SAID SECTION, A DISTANCE OF 162.23 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, AND THE POINT OF BEGINNING; THENCE SOUTH 77°38'00" WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 726.99 FEET TO A DEFLECTION POINT IN SAID LINE; THENCE NORTH 89°27'29" WEST ALONG SAID LINE, A DISTANCE OF 415.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 83RD AVENUE; THENCE NORTH 89°20'28" WEST, A DISTANCE OF 79.78 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 83RD AVENUE; THENCE NORTH 00°21'14" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 9.52 FEET; THENCE 48.60 FEET ALONG A 11,532.91 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 48.60 FEET AND BEARS NORTH 81°32'05" EAST; THENCE NORTH 81°24'50" EAST, A DISTANCE OF 656.17 FEET; THENCE 484.62 FEET ALONG A 3,230.83 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 484.17 FEET AND BEARS NORTH 85°42'40" EAST; THENCE SOUTH 89°59'30" EAST, A DISTANCE OF 25.83 FEET, TO THE POINT OF BEGINNING; CONTAINING 1.46 ACRES, OF WHICH 1.45 ACRES ARE IN THE NE FRL 1/4 NW FRL 1/4, AND 0.01 ACRES ARE IN THE NW FRL 1/4 NW FRL 1/4.

DESCRIPTION REVIEWED
10/19/06 12:35

Date October 23, 2006

PARCEL "B"

A TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH SECTION LINE OF SAID NW ¼, A DISTANCE OF 103.69 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, AND THE POINT OF BEGINNING; THENCE SOUTH 89°59'30" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 19.53 FEET; THENCE SOUTH 00°10'49" WEST, A DISTANCE OF 322.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5; THENCE NORTH 89°44'40" WEST ALONG SAID LINE, A DISTANCE OF 44.99 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, THENCE NORTH 04°41'34" EAST ALONG SAID LINE, A DISTANCE OF 323.61 FEET TO THE POINT OF BEGINNING; CONTAINING 0.24 ACRES.

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: United Properties Investment Company, L.C. for \$86,000

PARCEL "A"

A VACATED TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5 AND IN THE NW FRL ¼ NW FRL ¼ OF SECTION 5, ALL IN TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH LINE OF NW FRL ¼ OF SAID SECTION, A DISTANCE OF 162.23 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, AND THE POINT OF BEGINNING; THENCE SOUTH 77°38'00" WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 726.99 FEET TO A DEFLECTION POINT IN SAID LINE; THENCE NORTH 89°27'29" WEST ALONG SAID LINE, A DISTANCE OF 415.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 83RD AVENUE; THENCE NORTH 89°20'28" WEST, A DISTANCE OF 79.78 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 83RD AVENUE; THENCE NORTH 00°21'14" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 9.52 FEET; THENCE 48.60 FEET ALONG A 11,532.91 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 48.60 FEET AND BEARS NORTH 81°32'05" EAST; THENCE NORTH 81°24'50" EAST, A DISTANCE OF 656.17 FEET; THENCE 484.62 FEET ALONG A 3,230.83 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 484.17 FEET AND BEARS NORTH 85°42'40" EAST; THENCE SOUTH 89°59'30" EAST, A DISTANCE OF 25.83 FEET, TO THE POINT OF

DESCRIPTION REVIEWED
10/23/06 10:00

Date October 23, 2006

BEGINNING; CONTAINING 1.46 ACRES, OF WHICH 1.45 ACRES ARE IN THE NE FRL ¼ NW FRL ¼, AND 0.01 ACRES ARE IN THE NW FRL ¼ NW FRL ¼.

PARCEL "B"

A VACATED TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

DESCRIPTION REVIEWED
10/17/06 7:28

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH SECTION LINE OF SAID NW ¼, A DISTANCE OF 103.69 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, AND THE POINT OF BEGINNING; THENCE SOUTH 89°59'30" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 19.53 FEET; THENCE SOUTH 00°10'49" WEST, A DISTANCE OF 322.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5; THENCE NORTH 89°44'40" WEST ALONG SAID LINE, A DISTANCE OF 44.99 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, THENCE NORTH 04°41'34" EAST ALONG SAID LINE, A DISTANCE OF 323.61 FEET TO THE POINT OF BEGINNING; CONTAINING 0.24 ACRES.

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 November 6, 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.

★ Roll Call Number

Agenda Item Number

25

Date October 23, 2006

Dispositions – United Properties Investment Company, L.C.: Page 4

Moved by _____ to adopt

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

RON

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

MOTION CARRIED

APPROVED

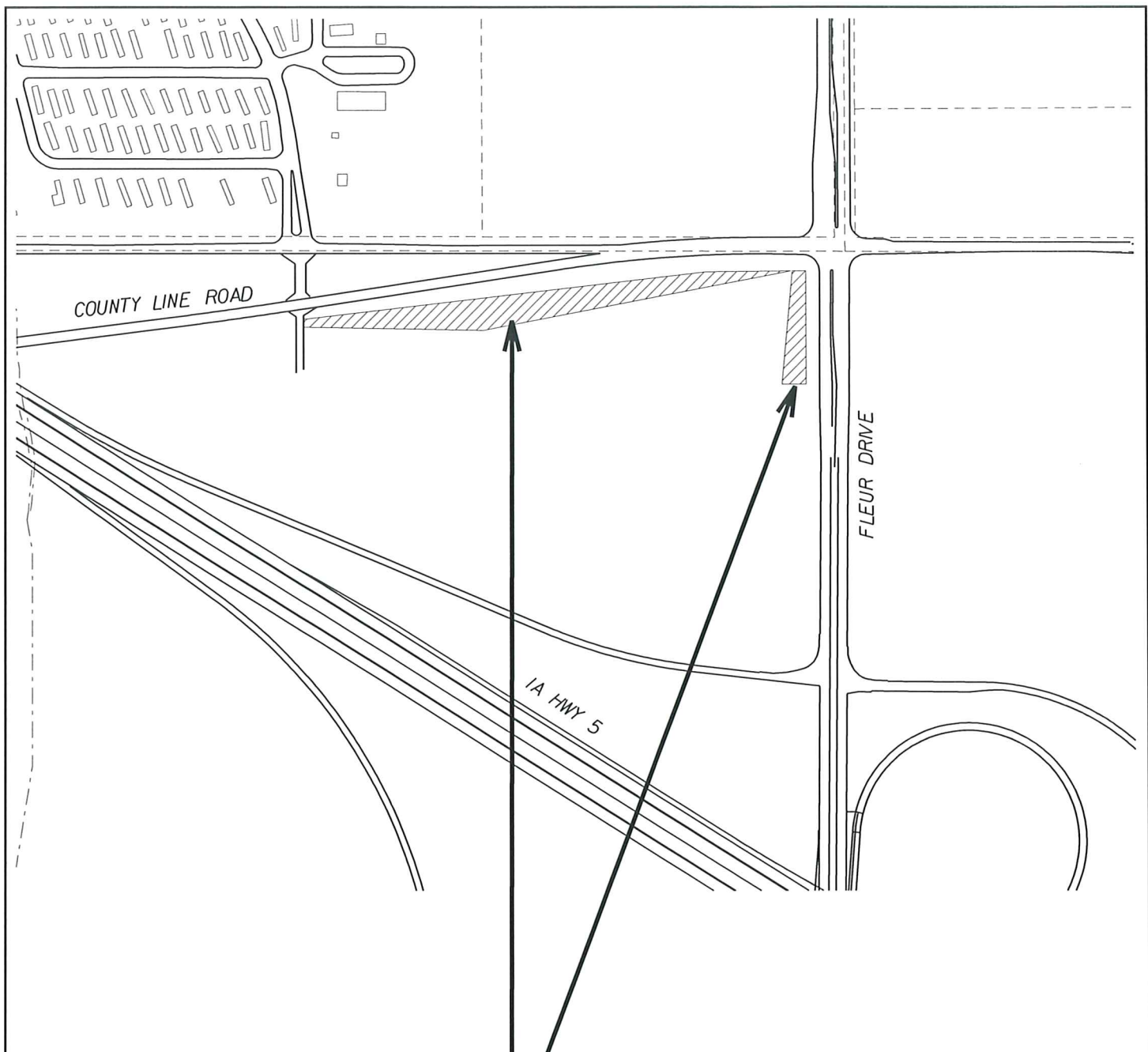
Mayor

CERTIFICATE

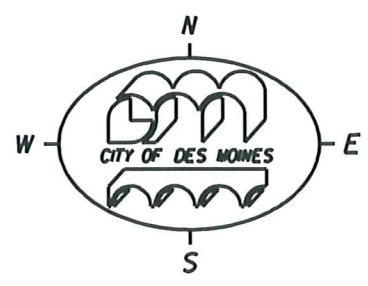
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk



**PROPERTY
LOCATION**



**PROPERTY DISPOSITION
UNITED PROPERTIES INVESTMENT CO., LC
COUNTY LINE ROAD & FLEUR DRIVE
ACTIVITY I.D. 34-2006-003**