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Date October 23, 2006

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF MAPLE STREET BETWEEN EAST 20TH COURT AND THE UNION PACIFIC RAILROAD TO DENNIS A. MURRAY FOR \$1,290 AND TO PRISM REALTY, L.L.C. FOR \$1,290

WHEREAS, on June 5, 2006, by Roll Call No. 06-1094, the City Council adopted a recommendation from the City Plan and Zoning Commission that Maple Street between East 20th Court and the Union Pacific Railroad, 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 such right-of-way described below; and

WHEREAS, on October 9, 2006, by Roll Call No. 06- 1973, 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 23, 2006, 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 Maple Street between East 20th Court and the Union Pacific Railroad, more specifically described as follows:

All the Maple Street right-of-way (formerly known as Claypool Avenue, changed by Ordinance No. 1560, passed December 4, 1908), lying South of and adjoining Lot 1, and lying South of and adjoining the West 20.0 feet of Lot 2, Block 13, Sunnyside Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
Dennis A. Murray
10/09/06 07:59

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3. That the sale and conveyance of such right-of-way, as described below and to the grantees and for the consideration identified below, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

To: Dennis A. Murray for \$1,290

Except the South 30.0 feet, all the vacated Maple Street right-of-way (formerly known as Claypool Avenue, changed by Ordinance No. 1560, passed December 4, 1908) lying South of and adjoining Lot 1, and lying South of and adjoining the West 20.0 feet of Lot 2, Block 13, Sunnyside Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Prism Realty, L.L.C. for \$1,290

The South 30.0 feet of that portion of vacated Maple Street right-of-way (formerly known as Claypool Avenue, changed by Ordinance No. 1560, passed December 4, 1908) lying North of and adjoining the West 60.0 feet of Lot 1, Block 14, Sunnyside Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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10/10/06 01:27
[Signature]

4. The Mayor is authorized and directed to sign the Offers to Purchase and the Quit Claim Deeds 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 originals of the said Deeds, 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 originals of the Deeds, 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 originals of the Quit Claim Deeds and copies of the other documents to the grantees.

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

★ Roll Call Number

Agenda Item Number

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Dispositions Murray/Prism: Page 3

Date October 23, 2006

(Council Communication No. *06-670*)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

RSW

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