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Date October 23, 2006

HOLD 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 such right-of-way described below; and

WHEREAS, on October 9, 2006, by Roll Call No. 06-1974, 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 a portion of Maryland Pike right-of-way located in the vicinity of 2300 Beaver Avenue, 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:

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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.

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.

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: 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

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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.

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

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 – 2300 Beaver/Barkley: Page 4

(Council Communication No. 06-671)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

BSW

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