

Date November 19, 2007

HOLD HEARING FOR VACATION AND CONVEYANCE OF PORTIONS OF EAST WALNUT STREET AND EAST 30TH COURT ADJOINING THE IOWA STATE FAIRGROUNDS TO THE STATE OF IOWA FOR \$5,000

WHEREAS, on October 8, 2007, by Roll Call No. 07-1936, the City Council adopted a recommendation from the City Plan and Zoning Commission that portions of East Walnut Street and East 30th Court adjoining the Iowa State Fairgrounds, 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 such rights-of-way described below; and

WHEREAS, on November 5, 2007, by Roll Call No. 07-2123, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on November 19, 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 rights-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of portions of East Walnut Street and East 30th Court adjoining the Iowa State Fairgrounds, more specifically described as follows:

All that part of East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining Lot 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of East Walnut Street right-of-way lying North of and adjoining Lots 9 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat and lying North of and

DESCRIPTION REVIEWED
11/19/07 13-36

Date November 19, 2007

adjoining East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining said Lot 12, 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 rights-of-way, as described below, to the State of Iowa for \$5,000 together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

DESCRIPTION REVIEWED
11/19/07 13:58

All that part of vacated East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining Lot 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of vacated East Walnut Street right-of-way lying North of and adjoining Lots 9 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat and lying North of and adjoining vacated East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining said Lot 12, 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 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 rights-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 grantees.

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

54

Dispositions – State of Iowa: Page 3

Date November 19, 2007

(Council Communication No. 07-684)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

[Handwritten signature]

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and 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

The Des Moines Register

R974 NOTICE OF PROPOSAL TO VACATE AND CONVEY RIGHT-OF-WAY

NOTICE IS HEREBY GIVEN, that the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating portions of East Walnut Street and East 30th Court adjoining the Iowa State Fairgrounds, more specifically described as follows:

All that part of East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining Lot 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of East Walnut Street right-of-way lying North of and adjoining Lots 9 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat and lying North of and adjoining East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining said Lot 12, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOTICE IS FURTHER GIVEN, that the City Council has adopted a resolution relating to a proposal to sell and convey such rights-of-way, as described below, to the grantees for such consideration as identified below, if the City Council first decides to vacate such rights-of-way:

To: State of Iowa for \$5,000

All that part of vacated East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining Lot 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of vacated East Walnut Street right-of-way lying North of and adjoining Lots 9 through 12, Block B, Cotton Mill Addition to Grand Park, an Official Plat and lying North of and adjoining vacated East 30th Court (previously known as Elbert Street) right-of-way lying East of and adjoining said Lot 12, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOTICE IS FURTHER GIVEN, that the City Council will consider the adoption of the proposed vacation ordinance and approval of the proposed sale and conveyance after a public hearing to be held at 5:00 p.m., in the Council Chamber, 400 Robert D. Ray Drive, Des Moines, Iowa, on November 19, 2007.

Copies of the proposed ordinance are available at the office of the City Clerk, City Hall, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

PUBLISHED IN THE DES MOINES REGISTER ON November 8, 2007.

AFFIDAVIT OF PUBLICATION

ADVERTISEMENT
it "A"

STATE OF IOWA

SS

COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that she/he is the
Accounting Specialist Kristi Moroy

of The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER (Daily)

DES MOINES SUNDAY REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register (daily) on the following dates

Nov 8 2007

Subscribed and sworn to before me by said affiant this 8 day of November

2007

Susan Hazeltan

Notary Public in and for Polk County, Iowa

P05995; \$57.41

street address: 715 Locust Street, Des Moines, IA 50309 . mailing address: P.O. Box 957, Des Moines, IA 50306 . (515) 284-8000



SUSAN HAZELTON
Notarial Seal - Iowa
Commission # 223923
My Commission Expires 8-10-08