

Date November 23, 2009

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY ADJOINING  
1404 EMMA AVENUE TO NICHOLAS P. TURSI FOR \$100**

**WHEREAS**, on June 8, 1959, by Roll Call No. 2086, the City Council of the City of Des Moines accepted and approved a Warranty Deed from Community Builders, Inc. for real property, as described below and adjoining property locally known as 1404 Emma Avenue, for storm water purposes; and

**WHEREAS**, Nicholas P. Tursi, owner of 1404 Emma Avenue, has offered to the City of Des Moines the purchase price of \$100.00 for the purchase of said City-owned property for sideyard purposes, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, on, November 9, 2009, by Roll Call No. 09-2008, it was duly resolved by the City Council that the proposed conveyance of real property be set down for hearing on November 23, 2009, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in these proposed conveyances, 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 the proposed conveyance of the property as described below are hereby overruled and the hearing is closed.

2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this property, more specifically described as follows:

The East 10.0 feet Lot G, Wakonda Manor Plat No 2 Replat, an Official Plat, 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 property for sideyard purposes to Nicholas P. Tursi for \$100.00, and payment by such grantee of the consideration identified along with payment for the estimated publication and recording costs for this transaction, is hereby approved.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Clerk 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 Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

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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 originals of the 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: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 09- **822** )

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

APPROVED AS TO FORM:

  
Glenna K. Frank, Assistant City Attorney

*rsn*

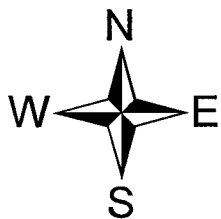
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

**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



**Legend**

 PROJECT LOCATION

**DISPOSITION -  
CITY-OWNED PROPERTY  
AJOINING 1404 EMMA AVENUE**