

Date December 4, 2006

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF A PORTION OF THE DEAD-END SEGMENT OF BOYD STREET ADJOINING 1446 BOYD STREET TO GRAND VIEW COLLEGE FOR \$6,765

WHEREAS, on October 9, 2006, by Roll Call No. 06-1968, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of the dead-end segment of Boyd Street adjoining 1446 Boyd Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has 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 November 20, 2006, by Roll Call No. 06-2296, 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 December 4, 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 the dead-end segment of Boyd Street adjoining 1446 Boyd Street, more specifically described as follows:

All that part of Boyd Street Right-of-Way in the City of Des Moines, Polk County, Iowa and described as follows:

Beginning at the Northwest corner of Lot 14, Wood & Bells Addition, an Official Plat; thence North 2°(Degrees) 06'(Minutes) 40"(Seconds) West, 50.01 feet to the Southwest corner of Lot 7, of said Wood & Bells Addition; thence North 89°17'18" East along the North right-of-way line of said Boyd Street, 201.29 feet to the Southeast corner of Lot 10, of said Wood & Bells Addition;

DESCRIPTION APPROVED
[Signature]
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thence North 89°34'47" East continuing along said North right-of-way line, 70.00 feet; thence South 0°29'34" East along the East right-of-way line of said Boyd Street, 50.00 feet; thence South 89°34'47" West along the South right-of-way line of said Boyd Street, 70.00 feet to the Northeast corner of Lot 11 of said Wood & Bells Addition; thence South 89°17'18" West continuing along said South right-of-way line, 199.88 feet to the Point of Beginning and containing 13,529 S.F.

DESCRIPTION APPROVED

[Signature]
11/15/06 14:53

3. That the sale and conveyance of such right-of-way, as described below, to Grand View College for \$6,765, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All that part of vacated Boyd Street Right-of-Way in the City of Des Moines, Polk County, Iowa and described as follows:

Beginning at the Northwest corner of Lot 14, Wood & Bells Addition, an Official Plat; thence North 2°(Degrees) 06'(Minutes) 40"(Seconds) West, 50.01 feet to the Southwest corner of Lot 7, of said Wood & Bells Addition; thence North 89°17'18" East along the North right-of-way line of said Boyd Street, 201.29 feet to the Southeast corner of Lot 10, of said Wood & Bells Addition; thence North 89°34'47" East continuing along said North right-of-way line, 70.00 feet; thence South 0°29'34" East along the East right-of-way line of said Boyd Street, 50.00 feet; thence South 89°34'47" West along the South right-of-way line of said Boyd Street, 70.00 feet to the Northeast corner of Lot 11 of said Wood & Bells Addition; thence South 89°17'18" West continuing along said South right-of-way line, 199.88 feet to the Point of Beginning and containing 13,529 S.F.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance 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 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.

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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: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

(Council Communication No. 06-756)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

psw

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