

Date December 18, 2006

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF A SEGMENT OF MAHASKA PARKWAY BETWEEN LINCOLN PLACE DRIVE AND THE NORFOLK SOUTHERN RAILWAY, AND A PORTION OF LINCOLN PLACE DRIVE NORTH OF JOHN LYNDE ROAD, TO MATT AND JEANETTE GROHE FOR 34,300

WHEREAS, on June 5, 2006, by Roll Call No. 06-1092, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of Mahaska Parkway between Lincoln Place Drive and the Norfolk Southern Railway, and a portion of Lincoln Place Drive north of John Lynde Road, 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 December 4, 2006, by Roll Call No. 06-2371, 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 18, 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 segment of Mahaska Parkway between Lincoln Place Drive and the Norfolk Southern Railway, and a portion of Lincoln Place Drive north of John Lynde Road, more specifically described as follows:

A portion of Lot 59 in Lincoln Grande, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as:

Commencing at the Southwest corner of said Lot 59; thence North 45°(Degrees) 52'(Minutes) 35"(Seconds) East along the South line of said Lot 59, 100.00 feet to the point of beginning; thence North 17°39'56" East, 23.07 feet; thence northwesterly along a 107.24 foot radius curve

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[Signature]
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concave southwesterly, 120.39 feet, said curve having a chord length of 114.17 feet and a chord bearing of North 17°52'21" West; thence North 51°32'57" West, 59.80 feet to the West line of said Lot 59; thence northeasterly along the West line of said Lot 59 and along a non tangent 183.48 foot radius curve concave easterly, 149.82 feet, said curve having a chord length of 145.69 feet and a chord bearing of North 4°06'22" East; thence northeasterly along the West line of said Lot 59 and along a 184.24 foot radius curve concave northwesterly, 10.45 feet, said curve having a chord length of 10.45 feet and a chord bearing of North 26°28'43" East; thence northeasterly along the West line of said Lot 59 and along a 356.89 foot radius curve concave northwesterly, 34.97 feet, said curve having a chord length of 34.95 feet and a chord bearing of North 22°52'11" East; thence South 22°05'42" East, 212.41 feet; thence southwesterly along a 147.79 foot radius curve concave westerly, 170.79 feet to the point of beginning, said curve having a chord length of 161.44 feet and a chord bearing of South 12°03'06" West. Said tract of land contains 19,642 square feet.

3. That the sale and conveyance of such right-of-way, as described below, to Matt and Jeanette M. Grohe for \$34,300, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

A vacated portion of Lot 59 in Lincoln Grande, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as:

Commencing at the Southwest corner of said Lot 59; thence North 45°(Degrees) 52'(Minutes) 35"(Seconds) East along the South line of said Lot 59, 100.00 feet to the point of beginning; thence North 17°39'56" East, 23.07 feet; thence northwesterly along a 107.24 foot radius curve concave southwesterly, 120.39 feet, said curve having a chord length of 114.17 feet and a chord bearing of North 17°52'21" West; thence North 51°32'57" West, 59.80 feet to the West line of said Lot 59; thence northeasterly along the West line of said Lot 59 and along a non tangent 183.48 foot radius curve concave easterly, 149.82 feet, said curve having a chord length of 145.69 feet and a chord bearing of North 4°06'22" East; thence northeasterly along the West line of said Lot 59 and along a 184.24 foot radius curve concave northwesterly, 10.45 feet, said curve having a chord length of 10.45 feet and a chord bearing of North 26°28'43" East; thence northeasterly along the West line of said Lot 59 and along a 356.89 foot radius curve concave northwesterly, 34.97 feet, said curve having a chord length of 34.95 feet and a chord bearing of North 22°52'11" East; thence South 22°05'42" East, 212.41 feet; thence southwesterly along a 147.79 foot radius curve concave westerly, 170.79 feet to the point of beginning, said curve having a chord length of 161.44 feet and a chord bearing of South 12°03'06" West. Said tract of land contains 19,642 square feet.

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

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

(Council Communication No. *D6-783*)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

row

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

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.

 Mayor

 City Clerk