

Date March 14, 2011

**HOLD HEARING FOR CONVEYANCE OF THE SOUTH 1/2 OF THE VACATED ALLEY BETWEEN 6<sup>TH</sup> AVENUE AND 7<sup>TH</sup> STREET, SOUTH OF CHERRY STREET TO DES MOINES REGIONAL TRANSIT AUTHORITY (DART) FOR \$40,240.**

**WHEREAS**, the City of Des Moines owns excess real property that is a portion of the vacated alley located between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street, south of Cherry Street, more particularly described below ("Property"); and

**WHEREAS**, the Des Moines Regional Transit Authority (DART), has offered to the City of Des Moines the purchase price of \$40,240.00 for the purchase of such Property in order to incorporate it into their new transit hub location, which price reflects the fair market value of the Property as based on an independent appraisal and as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City of Des Moines has no current or anticipated public need for the Property and the City will not be inconvenienced by the sale of said Property; and

**WHEREAS**, on February 28, 2011, by Roll Call No. 11-0306, it was duly resolved by the City Council that the proposed conveyance of said Property to Des Moines Regional Transit Authority (DART), for \$40,240.00 be set down for hearing on March 14, 2011, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to convey public property 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 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 conveyance of the south half of the vacated alley located between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street, south of Cherry Street, as legally described below, are hereby overruled and the hearing is closed.
2. The conveyance of the following described property to Des Moines Regional Transit Authority (DART), for \$40,240.00, be and is hereby approved:

A PART OF THE SOUTH 1/2 OF THE EAST-WEST VACATED ALLEY (Vacated February 9, 1898 by Ordinance # 895) IN BLOCK 9 IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER LOT 1 OF SAID BLOCK 9; THENCE SOUTH 15°23'48" EAST ALONG THE WEST LINE OF SAID BLOCK 9, A DISTANCE OF 141.40 FEET TO THE NORTH LINE OF SAID SOUTH 1/2 OF THE VACATED EAST-WEST ALLEY; THENCE NORTH 74°11'47" EAST ALONG SAID NORTH LINE, 5.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°11'47" EAST ALONG SAID NORTH LINE, 254.07 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 6TH AVENUE; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE

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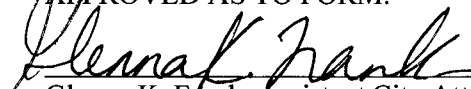
AND ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 463.91 FEET, WHOSE ARC LENGTH IS 8.74 FEET AND WHOSE CHORD BEARS SOUTH 04°14'06" WEST, 8.74 FEET TO THE SOUTH LINE OF SAID EAST-WEST ALLEY; THENCE SOUTH 74°11'16" WEST ALONG SAID SOUTH LINE, 251.13 FEET; THENCE NORTH 15°27'58" WEST, 8.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES

3. 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.
4. 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.
5. 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.
6. 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 grantee.
7. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 11-147)

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

APPROVED AS TO FORM:

  
 Glenna K. Frank, Assistant City Attorney

AW

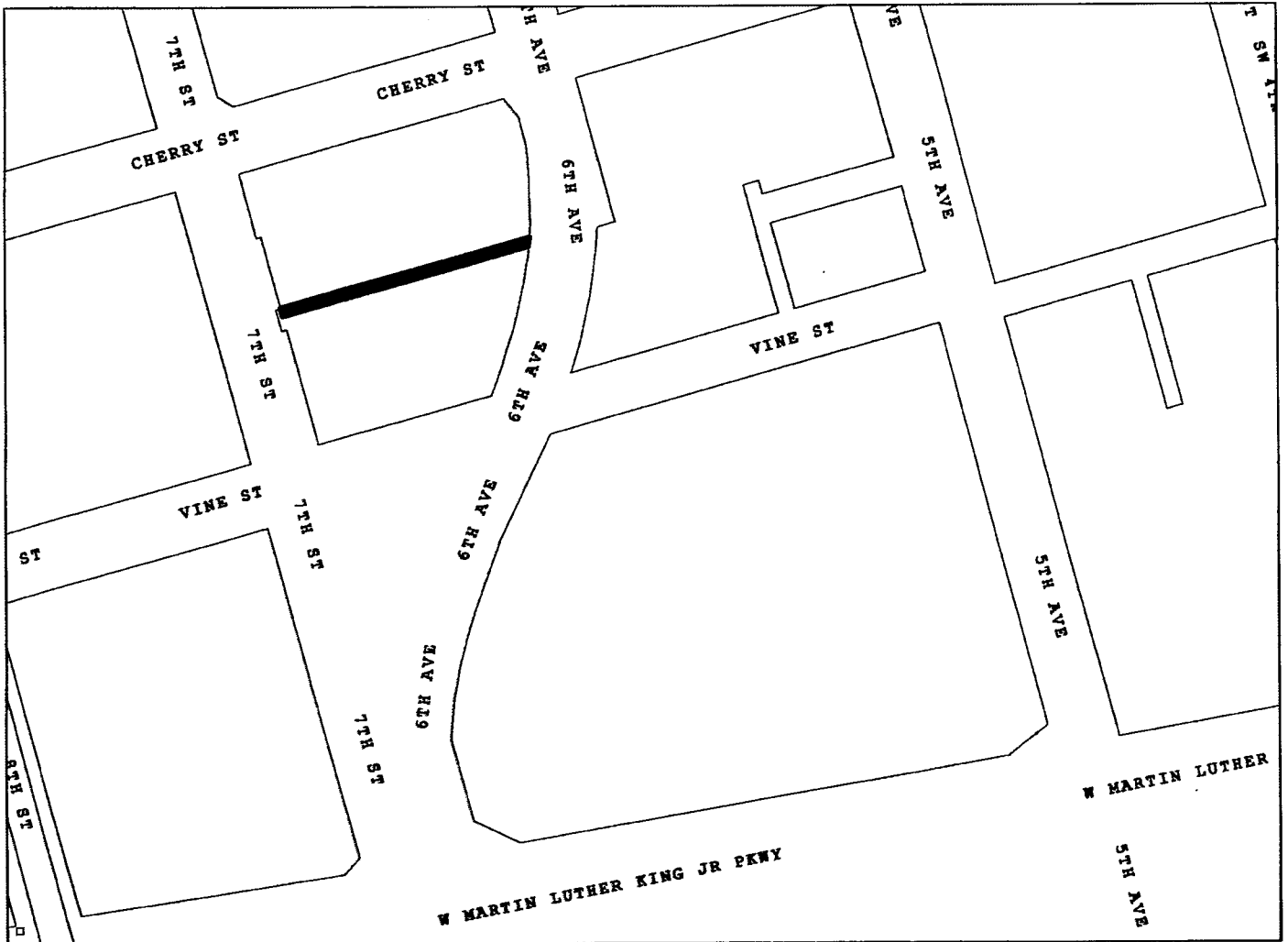
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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



Activity ID#: 34-2001-000 002  
Disposition: Vacated East - West Alley to DART