

Date March 14, 2011

**HOLD HEARING FOR VACATION AND CONVEYANCE
OF THE DEAD END PORTION OF CROCKER STREET WEST OF 19TH PLACE
AND THE NORTH-SOUTH ALLEY WEST OF 19TH PLACE
FROM MARTIN LUTHER KING, JR. PARKWAY TO LEYNER STREET,
TO BENNETT PROPERTY MANAGEMENT, LLC FOR \$12,200
AND TO CAMERON SADEGHPOUR FOR \$50**

WHEREAS, on February 28, 2011, by Roll Call No. 11-0304, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that a portion of Crocker Street west of 19th Place, and the north-south alley west of 19th Place from and south of Martin Luther King Jr. Parkway and north of Leyner Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, Bennett Property Management, LLC is the owner of property abutting the above-described portion of Crocker Street, and the north portion of the above-described alley, and has offered to the City of Des Moines the purchase price of \$12,200.00 for the purchase of such property for expansion and incorporation with its existing site, subject to reservation of utility easements and a no-build restriction on the property, which purchase price reflects the restricted fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, Cameron Sadeghpour is the owner of 1931 Leyner Street, which property abuts the south portion of the above-described alley, and has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of such property for expansion and incorporation with his current residential property, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division and in accordance with City policy; and

WHEREAS, on February 28, 2011, by Roll Call No. 11-0303, 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 March 14, 2011, 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, as follows:

Date March 14, 2011

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 or benefit from the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation more specifically described as follows:

ALL THAT PART OF CROCKER STREET LYING NORTH OF BLOCK B OF LEYNERS PLAT, AN OFFICIAL PLAT, AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF 19TH PLACE AND EAST OF THE EAST RIGHT OF WAY LINE OF MARTIN LUTHER KING JR. PARKWAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
AND

ALL OF THE NORTH-SOUTH ALLEY LYING SOUTH OF MARTIN LUTHER KING JR. PARKWAY AND NORTH OF LEYNER STREET, ALL INCLUDED IN BLOCK B OF LEYNERS PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

3. The proposed sale of such vacated right-of-way, to the grantees and for the consideration described below, subject to certain reservations and restrictions as described herein, be and is hereby approved:

To: Bennett Property Management, LLC for \$12,200.00

ALL THAT VACATED PART OF CROCKER STREET LYING NORTH OF BLOCK B OF LEYNERS PLAT, AN OFFICIAL PLAT, AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF 19TH PLACE AND EAST OF THE EAST RIGHT OF WAY LINE MARTIN LUTHER KING JR. PARKWAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND
EXCEPT THE SOUTH 115 FEET, ALL OF THE VACATED NORTH-SOUTH ALLEY LYING SOUTH OF MARTIN LUTHER KING JR. PARKWAY AND NORTH OF LEYNER STREET, ALL INCLUDED IN BLOCK B OF LEYNERS PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

To: Cameron Sadeghpour for \$50.00

ALL THE VACATED SOUTH 115 FEET OF THE NORTH-SOUTH ALLEY LYING SOUTH OF MARTIN LUTHER KING JR. PARKWAY AND NORTH OF LEYNER STREET, ALL INCLUDED IN BLOCK B OF LEYNERS PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Date March 14, 2011

4. The Mayor is authorized and directed to sign the respective Offers to Purchase and the Quit Claim Deeds 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 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 Deeds, 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 Deeds, 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.

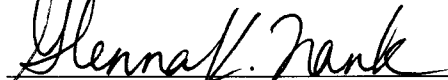
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deeds and copies of the other documents to the grantees.

8. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. **11-157**)

Moved by _____ to adopt.

APPROVED AS TO FORM:


Glenna K. Frank, Assistant City Attorney

BSW

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