

Date April 25, 2011

SET HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR SHAPED SEGMENT OF GRAND AVENUE RIGHT-OF-WAY AT INTERSECTION WITH FLEUR DRIVE, DIRECTLY ADJOINING 1800 GRAND AVENUE, TO THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR \$1

WHEREAS, on February 14, 2011, by Roll Call No. 11-0170, the City Council authorized City participation in traffic safety and student drop-off area improvements for the Downtown School being relocated to the Central Campus at 1800 Grand Avenue; and

WHEREAS, said resolution further authorized negotiation and agreement between the City and the Des Moines Independent Community School District (a/k/a Des Moines Public Schools) by which the School District will pay for the design of improvements (except pedestrian and traffic signal improvements) and construction of improvements inside the sidewalk, at an estimated cost of \$132,000, and in exchange and for consideration thereof the City will pay for the cost of constructing the new curb, sidewalk, and modifications to the storm sewer, pedestrian crossings and traffic signals, at an estimated cost of \$100,000, and will also provide excess right-of-way to the School District; and

WHEREAS, on April 25, 2011, by Roll Call No. 11-\_\_\_\_\_, the City Council received the recommendation from the Plan and Zoning Commission that an irregular shaped segment of Grand Avenue right-of-way at the intersection with Fleur Drive, directly adjoining 1800 Grand Avenue, hereinafter more fully described, be vacated and conveyed to the Des Moines Independent Community School District, adjoining owner, in accordance with the above-referenced agreement; and

WHEREAS, there is no known current or future public need for the right-of-way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said property, subject to and contingent upon execution of the final agreement between the City and the School District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating an irregular shaped segment of Grand Avenue right-of-way at the intersection with Fleur Drive, directly adjoining 1800 Grand Avenue, more specifically described as follows:

AN IRREGULARLY SHAPED PORTION OF GRAND AVENUE STREET RIGHT-OF-WAY LOCATED IN LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 331.40 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID POINT BEING 177.07 FEET EAST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF PARCEL B IN SAID LOT 2 RECORDED IN POLK COUNTY RECORDER BOOK 7746 ON PAGE 98; THENCE, N00°00'00"E A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE, N90°00'00"E ALONG THE

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NORTH LINE OF SAID LOT 2 (ASSUMED BEARING OF THE NORTH LINE OF SAID LOT 2 FOR THE PURPOSE OF THIS PLAT OF SURVEY) A DISTANCE OF 61.73 FEET; THENCE, S88°50'12"E A DISTANCE OF 40.30 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 139.74 FEET, SAID CURVE HAVING A CHORD BEARING OF S71°02'41"E AND A CHORD LENGTH OF 137.50 FEET; THENCE, SOUTHEASTERLY ALONG A 299.89 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 14.58 FEET, SAID CURVE HAVING A CHORD BEARING OF S51°51'37"E AND A CHORD LENGTH OF 14.57 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 146.10 FEET, SAID CURVE HAVING A CHORD BEARING OF S31°51'59"E AND A CHORD LENGTH OF 143.54 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 120.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 39.20 FEET, SAID CURVE HAVING A CHORD BEARING OF N29°22'27"W AND A CHORD LENGTH OF 39.03 FEET; THENCE, N39°30'00"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 66.45 FEET; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 231.11 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 203.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N64°45'00"W AND A CHORD LENGTH OF 197.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE WHICH IS 251.77 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 2; THENCE, N90°00'00"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 79.57 FEET TO THE POINT OF BEGINNING. (AREA = 4,092.09 SQUARE FEET, MORE OR LESS)

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such right-of-way, as described below, to the Des Moines Independent Community School District in accordance with the proposed Agreement for traffic safety and student drop-off area improvements at Central Campus for Downtown School, such conveyance being subject to and contingent upon execution of the final agreement between the City and the School District:

AN IRREGULARLY SHAPED PORTION OF VACATED GRAND AVENUE STREET RIGHT-OF-WAY LOCATED IN LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 331.40 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID POINT BEING 177.07 FEET EAST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF PARCEL B IN SAID LOT 2 RECORDED IN POLK COUNTY RECORDER BOOK 7746 ON PAGE 98; THENCE, N00°00'00"E A DISTANCE OF 7.00

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FEET TO THE NORTH LINE OF SAID LOT 2; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID LOT 2 (ASSUMED BEARING OF THE NORTH LINE OF SAID LOT 2 FOR THE PURPOSE OF THIS PLAT OF SURVEY) A DISTANCE OF 61.73 FEET; THENCE, S88°50'12"E A DISTANCE OF 40.30 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 139.74 FEET, SAID CURVE HAVING A CHORD BEARING OF S71°02'41"E AND A CHORD LENGTH OF 137.50 FEET; THENCE, SOUTHEASTERLY ALONG A 299.89 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 14.58 FEET, SAID CURVE HAVING A CHORD BEARING OF S51°51'37"E AND A CHORD LENGTH OF 14.57 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 146.10 FEET, SAID CURVE HAVING A CHORD BEARING OF S31°51'59"E AND A CHORD LENGTH OF 143.54 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 120.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 39.20 FEET, SAID CURVE HAVING A CHORD BEARING OF N29°22'27"W AND A CHORD LENGTH OF 39.03 FEET; THENCE, N39°30'00"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 66.45 FEET; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 231.11 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 203.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N64°45'00"W AND A CHORD LENGTH OF 197.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE WHICH IS 251.77 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 2; THENCE, N90°00'00"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 79.57 FEET TO THE POINT OF BEGINNING. (AREA = 4,092.09 SQUARE FEET, MORE OR LESS)

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such real estate is to be considered shall be on May 9, 2011, said meeting to be held at 5:00 p.m., in the Council Chamber.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
5. There are no proceeds associated with the conveyance of this real property.

★ Roll Call Number

Agenda Item Number

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

APPROVED AS TO FORM:

*Glenna K. Frank*  
Glenna K. Frank  
Assistant City Attorney

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

**VACATION AND CONVEYANCE OF AN  
IRREGULAR SHAPED SEGMENT OF GRAND  
AVENUE RIGHT-OF-WAY WHERE IT  
INTERSECTS WITH FLEUR DRIVE, DIRECTLY  
ADJOINING 1800 GRAND AVENUE, TO THE  
DES MOINES INDEPENDENT COMMUNITY  
SCHOOL DISTRICT FOR \$1.**

