

Date November 7, 2011

**SET HEARING FOR VACATION AND CONVEYANCE OF
EXCESS RIGHT-OF-WAY LOCATED AT 3136 SW 9TH STREET TO
PAUL A. & DONNA J. STEFFENSEN FOR \$5,000**

WHEREAS, on April 8, 1982, the City of Des Moines acquired real property locally known as 3136 SW 9th Street for right-of-way purposes for the widening of SW 9th Street and reconstruction of the intersection with Park Avenue; and

WHEREAS, on November 18, 1985, by Roll Call No. 5991, City Council adopted a recommendation from the City Plan and Zoning Commission determining that said right-of-way was remnant property following the City's widening and reconstruction project, and authorizing the right-of-way to be conveyed on a competitive bidding basis for a "C-1" zoning use; and

WHEREAS, said right-of-way was not conveyed following the 1985 resolution and it has again been determined by the City's Real Estate Division and other City departments that said property is no longer needed for City purposes; and

WHEREAS, Paul A. and Donna J. Steffensen are the owners of property locally known as 3138 SW 9th Street abutting said excess right-of-way, and have offered to the City of Des Moines the purchase price of \$5,000 plus closing fees of \$113 for the vacation and conveyance of such right-of-way, more specifically described below, which price reflects the restricted fair market value of the property subject to sideyard use and no-build restrictions as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

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

1. The City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the excess right-of-way locally known as 3136 SW 9th Street, more specifically described as follows:

EXCEPT STREET, THE NORTH 100.00 FEET OF THE EAST 118.00 FEET OF LOT 20, SOUTHGATE, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF SAID LOT 20; THENCE SOUTH 89° (DEGREES) 47' (MINUTES) 45" (SECONDS) WEST, ALONG THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 12.68 FEET TO POINT OF BEGINNING; THENCE SOUTH 05° 06' 15" WEST, 35.89 FEET; THENCE SOUTH 16° 43' 43" WEST, 60.03 FEET; THENCE SOUTH 3°42'59" WEST, 6.70 FEET; THENCE SOUTH 89° 41' 29" WEST, 85.51 FEET; THENCE NORTH 00° 37' 36" EAST, 100.00 FEET TO THE NORTH LINE OF SAID LOT 20; THENCE NORTH 89° 47' 45" EAST, ALONG THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 105.32 FEET

Date November 7, 2011

TO THE POINT OF BEGINNING. AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING BY SURVEY 9,701 SQUARE FEET OR 0.22 ACRES.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way to Paul A. and Donna J. Steffensen for \$5000.00.
3. A public hearing shall be held on November 21, 2011 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

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 | | | |

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

 Mayor

**CONVEYANCE OF
3136 SW 9th STREET
EXCESS CITY OWNED PROPERTY
TO ADJOINING TITLEHOLDER
PAUL A. & DONNA J. STEFFENSEN**

