

Date November 21, 2011

**HOLD 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 9<sup>th</sup> Street for right-of-way purposes for the widening of SW 9<sup>th</sup> 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 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**, Paul A. and Donna J. Steffensen are the owners of property locally known as 3138 SW 9<sup>th</sup> 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 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; and

**WHEREAS**, on, November 7, 2011 by Roll Call No. 11-1864, it was duly resolved by the City Council that the proposed vacation and conveyance of real property at 3136 SW 9<sup>th</sup> Street, be set down for hearing on November 21, 2011 at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to vacate and convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this 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 the proposed vacation and conveyance of this excess right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the City-owned right-of-way to be vacated and the public would not be inconvenienced by the vacation of excess right-of-way locally known as 3136 SW 9<sup>th</sup> 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 89° 41’ 29” WEST, 85.51 FEET; THENCE NORTH 00° 37’ 36”

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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 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.

3. That the sale and conveyance of such excess right-of-way to Paul A. & Donna J. Steffensen, subject to use and no-build restrictions, for \$5,000, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as 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 for publication and recording costs, the City Clerk is authorized and directed to forward the original of this 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 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: Property Maintenance Fund, SP767, ENG980500.

(Council Communication No. 11-717) 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				

**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.

MOTION CARRIED APPROVED  
 \_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk