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Date May 21, 2012

**SET HEARING FOR CONVEYANCE OF
VACATED SW 42ND STREET AND VACATED MAHASKA PARKWAY
LOCATED SOUTH OF GLENVIEW DRIVE AND RIVER OAKS DRIVE TO
SUE ANN CORNICK, TRUSTEE OF THE SUE ANN CORNICK REVOCABLE TRUST FOR \$200,
TO KELLY S. STILES FOR \$400, AND TO SARAH R. WELLS FOR \$400**

WHEREAS, on February 22, 1982, by Roll Call No. 712, the City Council of the City of Des Moines passed Ordinance No. 10,076 vacating all of the Mahaska Parkway right-of-way in the vicinity of S.W. 33rd and S.W. 42nd Streets, and portions thereof have been sold to adjoining property owners as approved by City Council; and

WHEREAS, on March 15, 1982, by Roll Call No. 951, the City Council passed Ordinance No. 10,089 vacating all that part of Southwest 42nd Street in the vicinity of Glenview Drive and River Oaks Drive, and said property was thereafter leased to an adjoining property owner for driveway purposes as approved by City Council; and

WHEREAS, the owners of the real property abutting said vacated SW 42nd Street and vacated Mahaska Parkway located south of Glenview Drive and River Oaks Drive, more particularly described below ("Property"), have offered to the City of Des Moines the cumulative purchase price of \$1,000.00 for the purchase of such Property in order to incorporate it into their residential lots, which price reflects the fair market value of the Property 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.

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

1. The City of Des Moines, Iowa proposes to convey vacated Southwest 42nd Street and vacated Mahaska Parkway located south of Glenview Drive and River Oaks Drive to the adjoining owners and for the purchase prices listed below:

Parcel "A" (Additional property to 624 Glenview Dr), to Sue Ann Cornick, Trustee of the Sue Ann Cornick Revocable Trust for \$200:

Part of the vacated Right-of-Way of Southwest 42nd Street of Linden Heights, an Official Plat in the City of Des Moines, adjacent and east of Lot 43 of Linden Heights, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

COMMENCING at the Southeast corner of Section 12, Township 78 North, Range 25 West; THENCE N 89°43'22" W along the South line of said Section 12 a distance of 33.00 feet; THENCE N 00°12'18" E a distance of 86.85 feet to the POINT OF BEGINNING, said point also being on the East line of said Lot 43; THENCE N 00°12'18" E a distance of 174.71 feet to the point of curvature of a curve to the left with a radius of 30.00 feet, that has a long chord with bearing N 44°45'47" W and a length of 42.40 feet, THENCE on and

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along the arc 47.09 feet to the point of tangency, said point also being on the North line of said Lot 43; THENCE S 89°43'53" E a distance of 47.97 feet; THENCE S 00°12'18" W a distance of 204.62 feet; THENCE N 89°53'50" W a distance of 18.00 feet to the POINT OF BEGINNING, and containing 3,877 square feet, more or less.

Parcel "B" (Additional property to 736 SW 42nd St), to Kelly S. Stiles for \$400.00

Part of the vacated Right-of-Way for Southwest 42nd Street of Linden Heights, an Official Plat in the City of Des Moines, also part of the vacated Right-of-Way of Southwest 42nd Street in Lot 15 of the Official Plat of Section 7-78-24, except W ½ of the NW ¼, W ½ of the E ½ of the NW ¼, SW ¼ of the SE ¼ and Lots 1, 3, 4 & 5 Pierce's Subdivision of the N ½ of the NE ¼, also part of Lot 15 of the Official Plat of Government Lots 3 and 4 in Section 18, Township 78 North, Range 24 West, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

COMMENCING at the Southeast corner of Section 12, Township 78 North, Range 25 West; THENCE S 89°21'34" E along the South line of said Section 7 a distance of 10.00 feet to the POINT OF BEGINNING; THENCE S 00°00'00" E a distance of 74.17 feet to the North Right-of-Way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; THENCE S 73°22'02" W along said North Right-of-Way line a distance of 10.44 feet to the West line of said Section 18; THENCE S 73°22'02" W a distance of 34.44 feet to the Southeast corner of Lot "C" of Linden Heights; THENCE N 00°00'00" E along the East line of said Lot "C" a distance of 87.28 feet to the South line of said Section 12; THENCE N 00°12'18" E a distance of 86.85 feet; THENCE S 89°53'50" E a distance of 18.00 feet; THENCE N 00°12'18" E a distance of 204.62 feet; THENCE S 89°43'53" E a distance of 15.00 feet to the West line of said Section 7; THENCE S 89°43'53" E a distance of 10.00 feet; THENCE S 00°12'18" W a distance of 291.60 feet to the POINT OF BEGINNING, and containing 12,325 square feet, more or less.

Parcel "C" (Additional property to 4130 River Oaks Drive) to Sarah R. Wells for \$400.00:

Part of the vacated Right-of-Way of Southwest 42nd Street in Lot A of River Oaks, an Official Plat of the City of Des Moines, and also part of the vacated Right-of-Way of Southwest 42nd Street in Lot 15 of the Official Plat of Section 7-78-24, except W ½ of the NW ¼, W ½ of the E ½ of the NW ¼, SW ¼ of the SE ¼ and Lots 1, 3, 4 & 5 Pierce's Subdivision of the N ½ of the NE ¼, and also part of Lot 15 of the Official Plat of Government Lots 3 and 4 in Section 18, Township 78 North, Range 24 West, and also part of Vacated Mahaska Parkway, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

COMMENCING at the Southeast corner of Section 12, Township 78 North, Range 25 West; THENCE S 89°21'34" E along the South line of said Section 7 a distance of 10.00 feet to the POINT OF BEGINNING; THENCE N 00°12'18" E a distance of 291.60 feet; THENCE S 89°43'53" E a distance of 30.00 feet to a point on the West line of Lot 19 of said River Oaks; THENCE S 00°12'18" W a distance of 273.15 feet to the Southwest corner of said Lot 19, THENCE N 73°22'02" E along the South line of said Lot 19 a distance of 52.24 feet; THENCE S 00°12'00" W a distance of 34.16 feet to a point on the South line of said Section 7, Township 78 North, Range 24 West; THENCE S 00°00'00" E a distance of 49.37 feet to the North Right-of-Way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; THENCE S 73°22'02" W along said North Right-of-Way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad a distance of 83.49 feet;

★ **Roll Call Number**

Agenda Item Number

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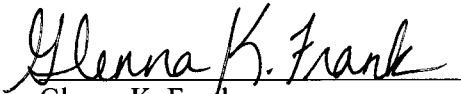
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THENCE N 00°00'00" W a distance of 74.17 feet to the POINT OF BEGINNING, and containing 15,012 square feet, more or less.

2. That the meeting of the City Council at which the sale and conveyance of the Property is to be considered shall be on June 11, 2012 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.
3. 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 § 362.3 of the Iowa Code.
4. 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
 Assistant City Attorney

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
GRIESS				
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



Legend
PROJECT LOCATION

