

Date August 13, 2012

**HOLD HEARING FOR CONVEYANCE OF A VACATED DEAD END SEGMENT OF  
MERCED DRIVE AND A VACATED DEAD END SEGMENT OF 30<sup>TH</sup> STREET ADJOINING  
2996 MERCED DRIVE TO MICHAEL R. AND MARLENE L. EMERY FOR \$200**

**WHEREAS**, on October 11, 2010, by Roll Call Nos. 10-1684 and 10-1686, City Council approved and adopted Ordinance No. 14,964 vacating a dead end segment of Merced Drive and a dead end segment of 30<sup>th</sup> Street running south of Merced Drive ("Property"), as legally described below, subject to the City Plan and Zoning Commission recommendation that said vacation be subject to reservation of easements for all utilities in place and reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn Park to the west at such time as it may be developed, and for access to underground utilities; and

**WHEREAS**, Michael R. and Marlene L. Emery are the owners of 2996 Merced Drive adjoining said Property and have offered to the City of Des Moines the purchase price of \$200.00 for the purchase of such City-owned property, which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, on July 23, 2012 by Roll Call No. 12-1165, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on August 13, 2012, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to 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 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 conveyance of the real property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the vacated dead end segment of Merced Drive and vacated dead end segment of 30<sup>th</sup> Street adjoining 2996 Merced Drive, Des Moines, more specifically described as follows:

THE VACATED WEST 64.00 FEET OF STREET LOT D (MERCED DRIVE), AND ALL OF VACATED STREET LOT E (30<sup>TH</sup> STREET) [AS VACATED BY ORDINANCE NO 14,964, ON OCTOBER 11, 2010 ROLL CALL NO. 10-1686], SAWYER'S LANDING, PLAT 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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3. That the sale and conveyance of such property to Michael R. Emery and Marlene L. Emery for \$200.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to reservation of easements as described above and in the City Plan and Zoning Commission recommendation.
4. The Mayor is authorized and directed to sign the 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 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 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. 12- 423 )

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

APPROVED AS TO FORM:

  
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