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**Date** January 28, 2013

**HOLD HEARING FOR CONVEYANCE OF A PORTION OF PROPERTY LOCATED AT  
1823 RACCOON STREET TO DUANE E. SABIN AND KATHLEEN R. SABIN FOR \$8,900**

**WHEREAS**, on October 25, 2010, by Roll Call No. 10-1786, the City Council of the City of Des Moines authorized the acquisition of the necessary right-of-way for a portion of the Southeast Connector Project; and

**WHEREAS**, on October 17, 2012 the City of Des Moines closed on the purchase of real property locally known as 1823 Raccoon Street from Midwest Automatic Fire Sprinkler Company for the Southeast Connector Project, and City staff have negotiated an acquisition settlement for real property interests needed for the Project from Duane Sabin, owner of the real property locally known as 423 SE 18<sup>th</sup> Street which is located immediately south of and adjoining 1823 Raccoon Street; and

**WHEREAS**, the City Engineer has determined that a portion of 1823 Raccoon Street as acquired from Midwest Automatic Fire Sprinkler Company is not needed for construction or right-of-way purposes for the Southeast Connector Project and may be declared excess City-owned property; and

**WHEREAS**, Duane E. and Kathleen R. Sabin have offered to the City of Des Moines the purchase price of \$8,900 for the purchase of a fee simple interest in said excess portion of the City-owned real property locally known as 1823 Raccoon Street, which excess portion is legally described below, as part of the property acquisition settlement and for the purpose of incorporating this excess property into the Sabins' adjoining real property, which purchase price reflects the fair market value of the property 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 property proposed to be sold, and the City will not be inconvenienced by the sale of said property; and

**WHEREAS**, on January 14, 2013, by Roll Call No. 13-0026, it was duly resolved by the City Council that the proposed conveyance of the excess portion of the City-owned real property locally known as 1823 Raccoon Street, be set down for hearing on January 28, 2013, 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:

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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 excess portion of the City-owned real property locally known as 1823 Raccoon Street, more specifically described as follows:

A PORTION OF LOT 65, AND A PORTION OF THE VACATED RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD LYING SOUTH OF AND ADJOINING LOT 65, ALL IN CHARTER OAK ADDITION, AN OFFICIAL PLAT TO THE CITY OF DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 65; THENCE SOUTH 00° (DEGREES) 27' (MINUTES) 54" (SECONDS) WEST, 37.85 FEET ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 65; THENCE NORTH 71°32'50" WEST, 213.11 FEET; THENCE NORTH 81°56'44" EAST, 33.19 FEET; THENCE NORTH 90°00'00" EAST, 169.88 FEET TO THE EAST LINE OF SAID LOT 65; THENCE SOUTH 00°27'54" WEST, 34.26 FEET ON THE EAST LINE OF SAID LOT 65 TO THE POINT OF BEGINNING, CONTAINING 0.18 ACRES (7,703 SQUARE FEET) MORE OR LESS.

3. That the sale and conveyance of such real property to Duane E. Sabin and Kathleen R. Sabin for \$8,900, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer and 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, the City Clerk 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 Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. Upon proof of compliance with the closing terms of the Offer, 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 shall be deposited into the following account: 2012-13 CIP, Street Improvements – Page 36, SE Connector – SE 14<sup>th</sup> Street to SE 30<sup>th</sup> Street, STR249.

★ **Roll Call Number**

**Agenda Item Number**

44

Date January 28, 2013

Page 3

(Council Communication No. 13-026)

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

APPROVED AS TO FORM:

*Glenna K. Frank*

Glenna K. Frank  
Assistant City Attorney

*REW*

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