

Date June 10, 2013

CONTINUED HEARING FOR CONVEYANCE OF THE VACATED 17TH STREET RIGHT-OF-WAY ADJOINING 1702 KEOSAUQUA WAY TO SPECTRUM RESOURCE PROGRAM FOR \$2,165

WHEREAS, on May 17, 1982, by Roll Call No. 82-2061, City Council approved and adopted Ordinance No. 10,125 vacating a segment of 17th Street lying south of Keosauqua Way; and

WHEREAS, Spectrum Resource Program is the owner of the real property locally known as 1702 Keosauqua Way, which adjoins a City-owned portion of said vacated right-of-way as legally described below and locally known as Polk County District/Parcel No. 080/03984-000-000 ("Property"), and Spectrum Resource Program has offered to the City of Des Moines the purchase price of \$2,165 for the purchase of a fee simple interest in the Property, which 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 for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on May 6, 2013 by Roll Call No. 13-0717, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on May 20, 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, on May 20, 2013, by Roll Call No. 13-0830, the hearing on said proposal was continued to June 10, 2013, to allow for republication to correct a scrivener's error in the legal description of the Property; 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, any objections to the proposed conveyance of the vacated right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need for the real property described below and the public would not be inconvenienced by reason of the conveyance of the following legally described segment of 17th Street lying south of Keosauqua Way, locally known as Polk County District/Parcel No. 080/03984-000-000 and vacated by Ordinance No. 10,125, more specifically described as follows, subject to reservation of easement for existing utilities:

ALL THAT PART OF VACATED 17TH STREET RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF KEOSAUQUA WAY, AND LYING NORTH OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT NORTHWEST CORNER OF LOT 19 IN LYNN DALE, AN OFFICIAL PLAT; THENCE WEST 16.5 FEET ALONG THE WESTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 19; THENCE NORTH 17 FEET ALONG A LINE THAT IS 16.5 EAST OF AND PARALLEL TO THE

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EAST LINE OF LOT 35 IN SAID LYNN DALE; THENCE WEST 33.5 FEET ALONG A LINE THAT IS PARALLEL TO THE NORTH LINE OF SAID LOT 35 TO THE EAST LINE OF LOT G IN SAID LYNN DALE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the sale and conveyance of such property to Spectrum Resource Program for \$2,165, together with payment by such grantee 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 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 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 grantee.
8. The proceeds from the sale of this property shall be deposited into the following account: Fund: SP767, Org: ENG980500.

(Council Communication No. 13- 281)

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	
_____ 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