

Date July 27, 2015

**HOLD HEARING FOR VACATION AND CONVEYANCE OF THE SW 60TH STREET  
RIGHT-OF-WAY ADJOINING 6216 SW 60TH STREET AND 6001 ARMY POST ROAD TO  
ANNETT HOLDINGS, INC. FOR \$82,000**

**WHEREAS**, on December 4, 2006, by Roll Call No. 06-2369, City Council received and filed a communication relating to a recommendation from the City Plan and Zoning Commission regarding a request from Annett Holdings, Inc. for vacation and conveyance of a portion of SW 60<sup>th</sup> Street between SW Leland Avenue and Army Post Road (City Right-of-Way), subject to reservation of easements for all existing utilities until such time that they are abandoned or relocated at the owner's expense; and

**WHEREAS**, Annett Holdings, Inc., owner of all property adjoining the City Right-of-Way, including the property located at 6216 SW 60<sup>th</sup> Street, has offered to the City of Des Moines the purchase price of \$82,000.00 for the vacation and purchase of SW 60<sup>th</sup> Street between SW Leland Avenue and Army Post Road in order to assemble the City Right-of-Way with its adjoining properties, which price reflects the appraised value of the City Right-of-Way; and

**WHEREAS**, there is no known current or future public need or benefit for the City Right-of-Way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and sale of said property; and

**WHEREAS**, on July 13, 2015, by Roll Call No. 15-1137, it was duly resolved by the City Council that the proposed vacation and conveyance of SW 60<sup>th</sup> Street between SW Leland Avenue and Army Post Road, be set down for hearing on July 27, 2015, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to vacate and convey SW 60<sup>th</sup> Street between SW Leland Avenue and Army Post Road 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 the 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of SW 60<sup>th</sup> Street between SW Leland Avenue and Army Post Road, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the City right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation and conveyance of SW 60<sup>th</sup> Street between SW Leland Avenue and Army Post Road, as legally described below, and said vacation is hereby approved:

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-EXCEPT THE SOUTH 35 FEET-, ALL THAT PART OF LOT B LYING BETWEEN THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1 AND THE SOUTH LINE OF SAID LOT B, ALL IN THE REPLAT OF BLOOMFIELD HILLS PLAT 2, AN OFFICIAL PLAT, AND

ALL THAT PART OF LOT A OF SAID REPLAT OF BLOOMFIELD HILLS PLAT 2, LYING WEST OF THE WEST LINE OF SAID LOT B AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 35,695 SQUARE FEET.

3. The proposed sale of such vacated right-of-way as legally described below, to Annett Holdings, Inc., for \$82,000.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to conditions included in the City Plan and Zoning Commission recommendation, is hereby approved:

-EXCEPT THE SOUTH 35 FEET-, ALL THAT PART OF VACATED LOT B LYING BETWEEN THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1 AND THE SOUTH LINE OF SAID LOT B, ALL IN THE REPLAT OF BLOOMFIELD HILLS PLAT 2, AN OFFICIAL PLAT, AND

ALL THAT PART OF VACATED LOT A OF SAID REPLAT OF BLOOMFIELD HILLS PLAT 2, LYING WEST OF THE WEST LINE OF SAID LOT B AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 35,695 SQUARE FEET.

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 \$113.00 for publication and recording costs, 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. 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.

★ Roll Call Number

Agenda Item Number

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

APPROVED AS TO FORM:

(Council Communication No. 15-419 )

  
\_\_\_\_\_  
Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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