

Date March 7, 2016

SET HEARING FOR VACATION AND CONVEYANCE OF STREET RIGHTS-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF INDIANOLA ROAD AND INDIANOLA AVENUE TO QUIKTRIP CORPORATION FOR \$75,536

WHEREAS, on October 12, 2015, by Roll Call No. 15-1690, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that an irregular parcel of right-of-way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property at 1930 Indianola Avenue and 1941 South Union Street, ("City Right-of-Way"), hereinafter more fully described, be vacated as requested by QuikTrip Corporation, subject to reservation of necessary easements for utilities now in place; and

WHEREAS, QuikTrip Corporation has offered to the City of Des Moines, Iowa ("City") the purchase price of \$75,536.00 for the vacation and purchase of the City Right-of-Way, for development and construction of a QuikTrip convenience store with fuel sales, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

WHEREAS, the sale of the City Right-of-Way is subject to QuikTrip Corporation granting to the City a Permanent Easement for Utility Corridor across a portion of the City Right-of-Way in the form attached hereto, and to the conditions set forth in the offer to purchase; and

WHEREAS, there is no known current or future public need or benefit for the portion of 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.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating an irregular parcel of street rights-of-way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property at 1930 Indianola Avenue and 1941 South Union Street, legally described as follows:

Description (Parcel "C" in SW 1/4 of SW 1/4 SECTION 10-78-24)

PART OF LOT 4, OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., AND PART OF INDIANOLA ROAD ADJOINING LOT 4 OF SAID OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, AND PART OF INDIANOLA ROAD ADJOINING LOTS 8, 9, 10, 11,12, 13, CLIFTON HEIGHTS, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 69° (DEGREES) 56' (MINUTES) 23" (SECONDS) EAST ALONG THE SOUTHEAST LINE OF SAID LOT 8, TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF INDIANOLA ROAD AS IT IS PRESENTLY ESTABLISHED, 210.90 FEET TO POINT OF BEGINNING; THENCE

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NORTHWEST ALONG A 374.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 15° 50' 24", A CHORD DISTANCE OF 103.32 FEET, A CHORD BEARING OF NORTH 57° 23' 32" WEST, FOR AN ARC DISTANCE OF 103.65 FEET; THENCE NORTHWEST ALONG A 1,403.27 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 11° 58' 00", A CHORD DISTANCE OF 292.55 FEET, A CHORD BEARING OF NORTH 71° 17' 44" WEST, FOR AN ARC DISTANCE OF 293.08 FEET; THENCE NORTH 77° 16' 44" WEST, 14.23 FEET TO A POINT ON THE WEST LINE OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., SAID POINT LYING ON A LINE WITH A BEARING OF NORTH 00° 04' 09" EAST, 725.57 FEET FROM FOUND CONCRETE MONUMENT AT S.E. CORNER OF SAID SECTION 10; THENCE NORTH 00° 04' 09" EAST ALONG SAID WEST LINE, 32.15 FEET; THENCE NORTHEAST ALONG A 445.00 FOOT RADIUS CURVE CONCAVE NORTHWEST WITH A CENTRAL ANGLE OF 22° 14' 56", A CHORD DISTANCE OF 171.72 FEET, A CHORD BEARING OF NORTH 69° 08' 54" EAST, FOR AN ARC DISTANCE OF 172.80 FEET; THENCE SOUTHEAST ALONG A 20.50 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 84° 20' 43", A CHORD DISTANCE OF 27.53 FEET, A CHORD BEARING OF SOUTH 79° 48' 11" EAST, FOR AN ARC DISTANCE OF 30.18 FEET; THENCE SOUTH 37° 37' 48" EAST, 189.03 FEET; THENCE SOUTH 39° 23' 35" EAST, 118.17 FEET TO POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 28,219.4 SQUARE FEET.

AND

Description (Parcel "A" in SE 1/4 of SE 1/4 SECTION 9-78-24)

PART OF LOT 4, OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., AND PART OF INDIANOLA ROAD ADJOINING LOT 4 OF SAID OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, CLIFTON HEIGHTS, AN OFFICIAL PLAT; THENCE NORTH 69° (DEGREES) 56' (MINUTES) 23" (SECONDS) EAST ALONG THE SOUTHEAST LINE OF SAID LOT 8, TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF INDIANOLA ROAD AS IT IS PRESENTLY ESTABLISHED, 210.90 FEET; THENCE NORTHWEST ALONG A 374.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 15° 50' 24", A CHORD DISTANCE OF 103.32 FEET, A CHORD BEARING OF NORTH 57° 23' 32" WEST, FOR AN ARC DISTANCE OF 103.65 FEET; THENCE NORTHWEST ALONG A 1,403.27 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 11° 58' 00", A CHORD DISTANCE OF 292.55 FEET, A CHORD BEARING OF NORTH 71° 17' 44" WEST, FOR AN ARC DISTANCE OF 293.08 FEET; THENCE NORTH 77° 16' 44" WEST TO THE WEST LINE OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., 14.23 FEET TO POINT OF BEGINNING, SAID POINT LYING ON A LINE WITH A BEARING OF NORTH 00° 04' 09" EAST, 725.57 FEET FROM FOUND CONCRETE MONUMENT AT S.E. CORNER OF SAID SECTION 10; THENCE NORTH 77° 16' 44" WEST, 17.64 FEET; THENCE NORTHEAST ALONG A 16.00 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 125° 24' 35", A CHORD DISTANCE OF 28.44 FEET, A CHORD BEARING OF NORTH 18° 37' 56" EAST, FOR AN ARC DISTANCE OF 35.02 FEET; THENCE NORTHEAST ALONG A 445.00 FOOT RADIUS CURVE CONCAVE NORTHWEST WITH A CENTRAL ANGLE OF 1° 03' 54", A CHORD DISTANCE OF 8.27 FEET, A CHORD BEARING OF NORTH 80° 48' 19" EAST, FOR AN ARC

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DISTANCE OF 8.27 FEET; THENCE SOUTH 00° 04' 09" WEST, 32.15 FEET TO POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 556.5 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City further proposes to sell such vacated right-of-way, as legally described below, to QuikTrip Corporation for \$75,536.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, and conveyance of a Permanent Easement for Utility Corridor, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase:

Description (Parcel "C" in SW 1/4 of SW 1/4 SECTION 10-78-24)

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3. A public hearing shall be held on March 21, 2016, 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.
4. 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 Section 362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

★ Roll Call Number

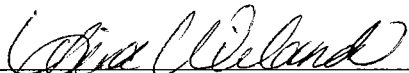
Agenda Item Number

25

Date March 7, 2016

Moved by _____ to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

RAU

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

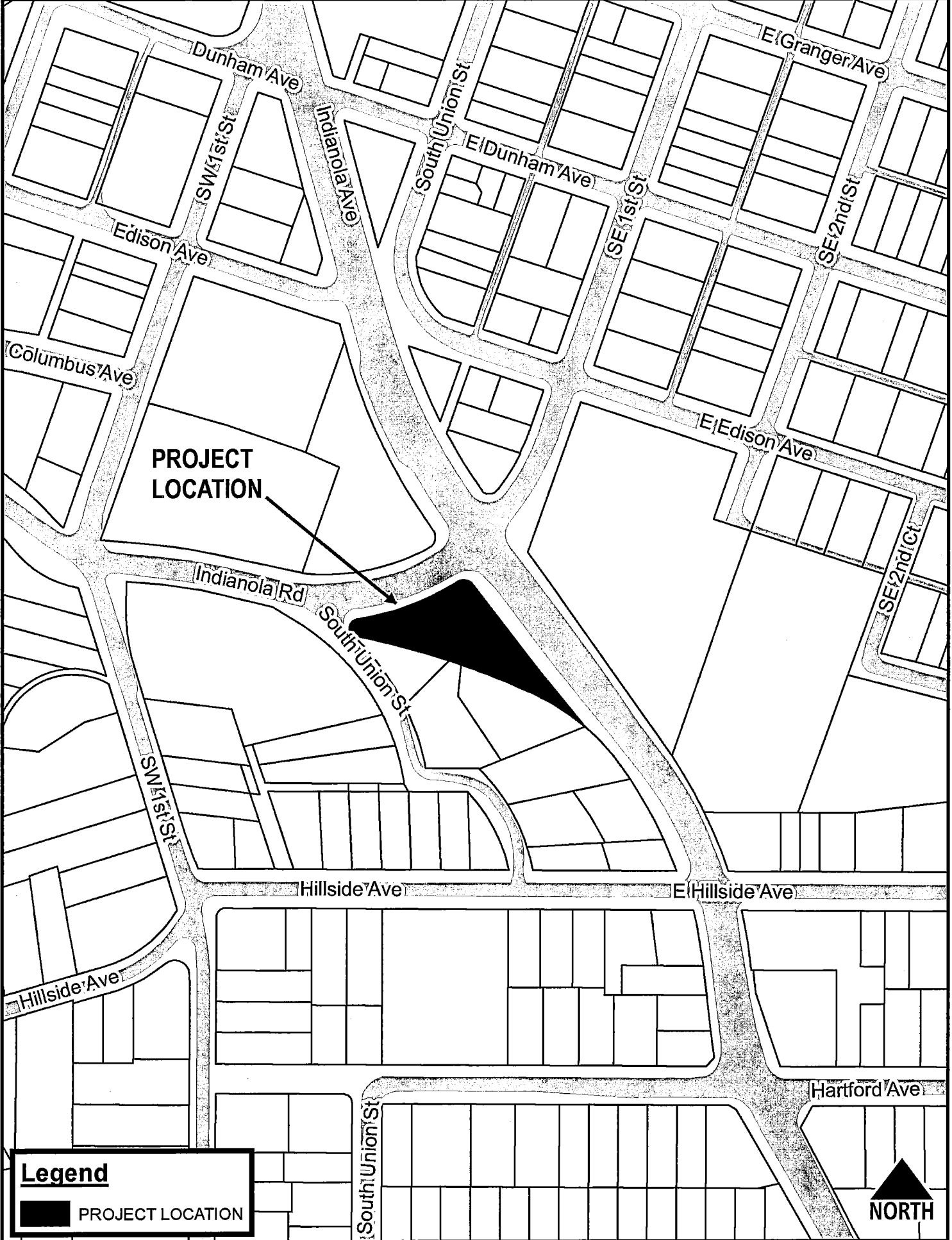
Mayor

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

