

Date March 21, 2016

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF CARLISLE ROAD
RIGHT-OF-WAY TO THE POLK COUNTY CONSERVATION BOARD FOR \$1**

WHEREAS, the Polk County Conservation Board is the owner of the real property locally identified as District/Parcel 050/04292-007-000, District/Parcel 050/04349-000-000 and District/Parcel 050/04339-005-000, which property adjoins and surrounds an undeveloped dead-end segment of Carlisle Road in Des Moines, Iowa; and

WHEREAS, the Polk County Conservation Board has requested the vacation and conveyance of said undeveloped dead-end segment of Carlisle Road right-of-way adjoining its property ("City Right-of-Way"), for no consideration in accordance with Iowa Code Section 364.7(3) for the public purposes of assembling said City Right-of-Way with its property in order to create a public park and recreation area, subject to a permanent easement upon, over and within the City Right-of-way for the continued use and maintenance of and the right of access to any existing utilities and flood protection levee improvements now in place; and

WHEREAS, the City Right-of-Way proposed to be vacated and conveyed has been determined by the City Engineer and City Traffic Engineer to have no significant impact on public access, 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 conveyance of said City Right-of-Way.

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 a portion of Carlisle Road right-of-way adjoining District/Parcel 050/04292-007-000, District/Parcel 050/04349-000-000 and District/Parcel 050/04339-005-000, more specifically described as follows:

PARCEL 1

THAT PORTION OF CARLISLE ROAD RIGHT OF WAY LYING IN A PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., LYING SOUTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCEL 2

THAT PORTION OF CARLISLE ROAD RIGHT OF WAY LYING IN LOT 2 IN THE OFFICIAL PLAT OF THE SOUTH 5/8 OF THE EAST 3/4 OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCEL 3

Date March 21, 2016

THAT PORTION OF CARLISLE ROAD RIGHT OF WAY LYING IN LOTS 1 AND 2 OF PLAT "A" OF HENDERSON ESTATES IN SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., LYING SOUTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY, AND LYING EAST OF ICA ACRES PLAT 5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That, if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described right-of-way, the City of Des Moines, Iowa, proposes to convey the vacated right-of-way, all as legally described as follows, to the Polk County Conservation Board for the public purposes of assembling said City Right-of-Way with its property in order to create a public park and recreation area, in accordance with Iowa Code Section 364.7(3) as consideration for such conveyance:

PARCEL 1

THAT PORTION OF VACATED CARLISLE ROAD RIGHT OF WAY LYING IN A PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., LYING SOUTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCEL 2

THAT PORTION OF VACATED CARLISLE ROAD RIGHT OF WAY LYING IN LOT 2 IN THE OFFICIAL PLAT OF THE SOUTH 5/8 OF THE EAST 3/4 OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCEL 3

THAT PORTION OF VACATED CARLISLE ROAD RIGHT OF WAY LYING IN LOTS 1 AND 2 OF PLAT "A" OF HENDERSON ESTATES IN SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., LYING SOUTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY, AND LYING EAST OF ICA ACRES PLAT 5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the meeting of the City Council of the City of Des Moines, Iowa, at which the adoption of said ordinance and the conveyance of such City Right-of-Way is to be considered shall be on April 11, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached, all in accordance with §362.3 of the Iowa Code.
5. There will be no proceeds associated with the conveyance of this property.

★ **Roll Call Number**

Agenda Item Number

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Moved by _____ to adopt.

APPROVED AS TO FORM:


 Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GREY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

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.

 Mayor

 City Clerk

