

Date April 11, 2016

HOLD 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, as consideration for acquisition of said City Right-of-Way, 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; and

WHEREAS, on March 21, 2016, by Roll Call No. 16-0463, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on April 11, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City Right-of-Way 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 of the City of Des Moines, Iowa.

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 the City Right-of-Way, 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 of 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, as legally described below, and said vacation is hereby approved:

Date April 11, 2016

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

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.

3. The proposed sale of such vacated right-of-way, 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, for no consideration in accordance with Iowa Code Section 364.7(3), is hereby approved:

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

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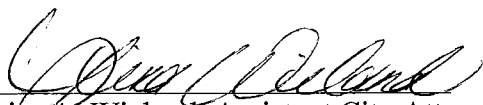
Date April 11, 2016

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.

4. The Mayor is authorized and directed to sign 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. The City Clerk is authorized and directed to forward the original of the Quit Claim 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 Quit Claim 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 Quit Claim Deed and copies of the other documents to the grantees.
8. There will be no proceeds associated with the conveyance of this property.

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

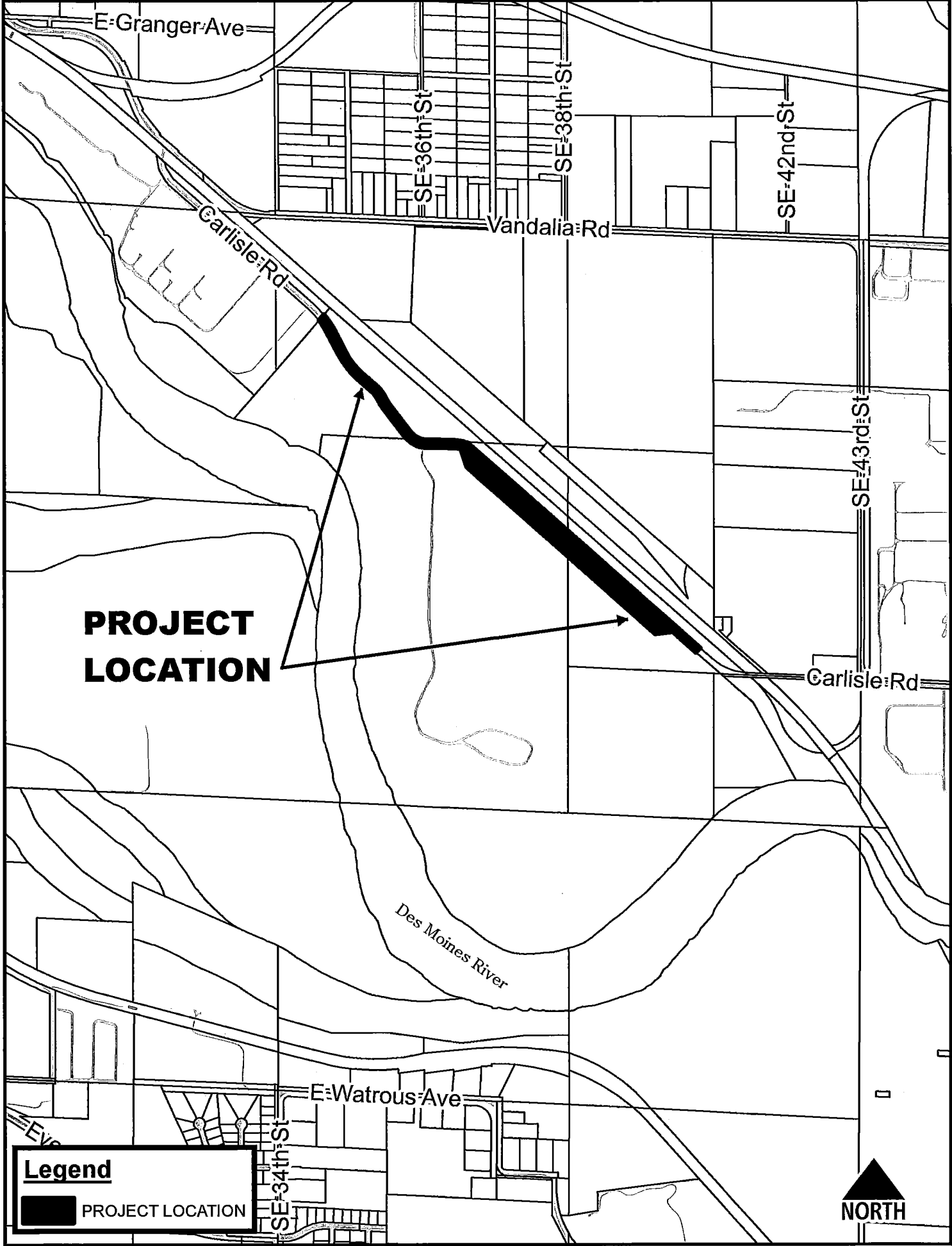
Mayor

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



**PROJECT
LOCATION**

Legend
PROJECT LOCATION

