

★ Roll Call Number

08-130

Agenda Item Number

32

Date January 28, 2008

Disposition: Parcel 223 – Chinh Dao

SET HEARING FOR THE CONVEYANCE OF THE VACATED EAST/WEST HIGH STREET RIGHT-OF-WAY ABUTTING 3024 HIGH STREET TO CHINH DAO FOR \$1.00

WHEREAS, in November 1906, under Polk County District Court Decree, Equity Case No. 14,666E, Petition of John G. Myerly et. al. (“Court Decree”), it was ordered that the North six feet of High Street as it extends through McCain Place from the West line of 28th Street to the East line of 31st Street should be and is vacated and shall revert to and become a part of the abutting lots and that the respective owners of such abutting lots and property are vested with title to such portion of the vacated parts of High Street as abut and are contiguous to such lots and property; and

WHEREAS, Chinh Dao is the current owner of 3024 High Street, which abuts a portion of the aforementioned vacated right-of-way; and

WHEREAS, due to a conveyance error by previous owners of Mr. Dao’s property, the aforementioned vacated right-of-way was not properly conveyed to successive owners of 3024 High Street as required by the Court Decree, and this error has created a title defect on Mr. Dao’s property that requires the issuance of a Quit Claim Deed from the City of Des Moines to clear such defect; and

WHEREAS, Chinh Dao has offered to the City of Des Moines the purchase price of \$1.00 plus closing costs in exchange for the Quit Claim Deed to such property more specifically described below.

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

1. The City Council of the City of Des Moines, Iowa proposes to sell the following described property abutting 3024 High Street, more specifically described and for the consideration identified below:

To: Chinh Dao

For: \$1.00

Except the West 5.0 feet, the South 6.0 feet of vacated High Street right-of-way lying North of and adjoining Lot 14, Block 3, McCAIN PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Order of the Polk County District Court dated November 26, 1906).

DESCRIPTION APPROVED

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1/28/08 08:02

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2. A public hearing shall be held on February 11, 2008 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.
3. 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 code section 362.3 of the Iowa Code.

Moved by Kiernan to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

T. M. Franklin 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.

Diane Rauh City Clerk