

★ Roll Call Number

Agenda Item Number

08-728

61B

Date April 21, 2008

2007-08 Paving Program – Carpenter Avenue: Page 1

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY NORTH OF UNIVERSITY AVENUE AND EAST OF 30TH STREET TO DRAKE UNIVERSITY FOR \$1 AND OTHER VALUABLE CONSIDERATION

WHEREAS, on February 25, 2008, by Roll Call No. 08-287, City Council authorized acquisition of right-of-way for the 2007-08 Paving Program – Carpenter Avenue Project; and

WHEREAS, the City needs to acquire property interests from Drake University for this project, and Drake University has agreed to convey these property interests to the City in exchange for the North/South alley right-of-way North of University Avenue and East of 30th Street; and

WHEREAS, the City Plan and Zoning Commission has considered and recommended conditional approval for the vacation and conveyance of the North/South alley right-of-way North of University Avenue and East of 30th Street, hereinafter more fully described, at their meeting on April 3, 2008, and the City Council has received and filed the Plan and Zoning Commission's report and recommendation; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below; and

WHEREAS, on April 7, 2008, by Roll Call No. 08- 566 , it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on April 21, 2008, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public 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 said notice, those interested in said 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.

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2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the North/South alley right-of-way North of University Avenue and East of 30th Street, more specifically described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, LAWNSDALE, AN OFFICIAL PLAT; THENCE SOUTH 89° (DEGREES) 56' (MINUTES) 49" (SECONDS) WEST ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 13.00 FEET; THENCE NORTH 0°14'50" WEST ALONG THE EAST LINE OF SAID LOTS 50 THRU 44, A DISTANCE OF 172.73 FEET; THENCE NORTHWEST ALONG A 17.00 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 56°15'35", A CHORD DISTANCE OF 16.03 FEET, A CHORD BEARING OF NORTH 36°07'07" WEST, FOR AN ARC DISTANCE OF 16.69 FEET; THENCE NORTH 61°21'49" WEST, 5.91 FEET; THENCE NORTHEAST ALONG A 366.00 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 2°30'19", A CHORD DISTANCE OF 16.00 FEET, A CHORD BEARING OF NORTH 28°38'03" EAST, FOR AN ARC DISTANCE OF 16.00 FEET; THENCE SOUTH 61°21'56" EAST, 3.08 FEET; THENCE SOUTHEAST ALONG A 36.00 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 8°06'28", A CHORD DISTANCE OF 5.09 FEET, A CHORD BEARING OF SOUTH 54°42'51" EAST, FOR AN ARC DISTANCE OF 5.09 FEET; THENCE NORTH 0°15'15" WEST, 15.75 FEET; THENCE NORTHEAST ALONG A 366.00 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 3°40'06", A CHORD DISTANCE OF 23.43 FEET, A CHORD BEARING OF NORTH 33°27'36" EAST, FOR AN ARC DISTANCE OF 23.43 FEET; THENCE SOUTH 0°14'50" EAST ALONG THE WEST LINE OF LOTS 10 THRU 1, A DISTANCE OF 233.42 FEET; TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 3,118 SQUARE FEET.

DESCRIPTION REVIEWED
Elmer L. Miller, Jr.
3/29/08 4:00

3. That the sale and conveyance of such right-of-way to Drake University for \$1 and other valuable consideration, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way, the City Clerk is authorized and directed to forward the original of the said 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

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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 right-of-way.

(Council Communication No. 08-227)

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER		✓		
VLASSIS	✓			
TOTAL	6	1		

MOTION CARRIED APPROVED
T. M. Franklin Council 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