

★ Roll Call Number
08-786

Agenda Item Number
18

Date May 5, 2008

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF EAST LOCUST STREET RIGHT-OF-WAY EAST OF PENNSYLVANIA AVENUE FOR THE WEST CAPITOL TERRACE PROJECT TO THE STATE OF IOWA FOR \$1

WHEREAS, on November 6, 2006, by Roll Call No. 06-2174, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of East Locust Street East of Pennsylvania Avenue and East 7th Street, hereinafter more fully described, be vacated and sold; 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 the portion of such right-of-way described below.

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 shall consider adoption of an ordinance permanently vacating a portion of East Locust Street right-of-way lying East of Pennsylvania Avenue and East 7th Street, more specifically described as follows:

A TRIANGULAR PART OF EAST LOCUST STREET RIGHT-OF-WAY BEING BETWEEN AND ADJACENT TO BLOCK "I" OF GRIFFITHS ADDITION NO. 2 TO EAST FORT DES MOINES ON THE NORTH AND GREEN'S SUBDIVISION AND BLOCK "H" OF GRIFFITHS ADDITION TO EAST FORT DES MOINES ON THE SOUTH, ALL BEING OFFICIAL PLATS NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 9 OF SAID BLOCK "H"; THENCE SOUTH 75°(DEGREES) 03'(MINUTES) 33"(SECONDS) WEST ALONG THE NORTH LINE OF SAID BLOCK "H" AND ALONG THE NORTH LINE OF SAID GREEN'S SUBDIVISION, 104.71 FEET; THENCE NORTH 22°03'34" EAST, 82.83 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF SAID BLOCK "I"; THENCE SOUTH 54°36'33" EAST, 85.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3,463 S.F.)

DESCRIPTION REVIEWED
[Signature]
5/13/08 10:46

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way, as described below to the grantees and for the consideration identified below:

To: State of Iowa for \$1

A VACATED TRIANGULAR PART OF EAST LOCUST STREET RIGHT-OF-WAY BEING BETWEEN AND ADJACENT TO BLOCK "I" OF GRIFFITHS ADDITION

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DESCRIPTION REVIEWED
[Signature]
 5/5/08 10:40

NO. 2 TO EAST FORT DES MOINES ON THE NORTH AND GREEN'S SUBDIVISION AND BLOCK "H" OF GRIFFITHS ADDITION TO EAST FORT DES MOINES ON THE SOUTH, ALL BEING OFFICIAL PLATS NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 9 OF SAID BLOCK "H"; THENCE SOUTH 75°(DEGREES) 03'(MINUTES) 33"(SECONDS) WEST ALONG THE NORTH LINE OF SAID BLOCK "H" AND ALONG THE NORTH LINE OF SAID GREEN'S SUBDIVISION, 104.71 FEET; THENCE NORTH 22°03'34" EAST, 82.83 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF SAID BLOCK "H"; THENCE SOUTH 54°36'33" EAST, 85.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3,463 S.F.)

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on May 19, 2008, said meeting to be held at 5:00 p.m., in the Council Chamber.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal 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.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

[Signature]
 Glenna K. Frank
 Assistant City Attorney

psn

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

MOTION CARRIED APPROVED

[Signature]
 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.

[Signature]
 City Clerk