

★ **Roll Call Number**
08-869

Agenda Item Number
21
Disposition

Date May 19, 2008

SET HEARING ON THE CONVEYANCE OF CITY-OWNED PROPERTIES TO TAI VILLAGE, INC. FOR \$3,325.00

WHEREAS, on April 23, 2007, by Roll Call No. 07-755, it was duly resolved by the City Council, that the City Council consider a proposal from Tai Village, Inc., represented by Siang Bacht, Secretary, to rezone certain property it owns in the vicinity of 4200 Martin Luther King Jr. Parkway from the "R1-60" One-Family Low-Density Residential District and "U-1" Floodplain District classification to the "PUD" Planned Unit Development District classification, and to approve an amended "PUD" Conceptual Plan for the property together with additional land extending to the north and west, and that such proposal be set down for hearing on May 7, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and

WHEREAS, on May 7, 2007, by Roll Call No. 07-906, the City Council held hearing and approved the proposed rezoning and "PUD" Conceptual Plan, subject to satisfaction to the Community Development Director; and

WHEREAS, the approved "PUD" Conceptual Plan boundary includes two parcels of City-owned land that can be conveyed subject to retention of easements and other restrictions; and

WHEREAS, Tai Villiage, Inc., the owners of Tai Dam Village at Sawyer's Landing, has offered to the City of Des Moines the purchase price of \$3,325.00 for the purchase of such City-owned properties 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 more specifically described and for the consideration identified below:

To: Tai Villiage, Inc.

For: \$3,325.00

PARCEL "B" DESCRIPTION:

ALL OF LOT 12 OF CARMEL HEIGHTS PLAT NO. 5, BEING AN OFFICIAL PLAT, AND A PART OF THE ABANDONED DES MOINES AND CENTRAL IOWA RAILROAD RIGHT-OF-WAY IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL IN

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SECTION 21, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 21; THENCE NORTH 0°02'03" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1994.43 FEET; THENCE NORTH 89°31'53" WEST, 721.39 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID ABANDONED DES MOINES AND CENTRAL IOWA RAILROAD AND TO THE POINT OF BEGINNING; THENCE SOUTH 6°51'12" WEST, 226.71 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 12 AND ALONG A NON-TANGENT CURVE CONCAVE WESTERLY WHOSE RADIUS IS 194.00 FEET, WHOSE ARC LENGTH IS 116.39 FEET AND WHOSE CHORD BEARS NORTH 23°40'38" WEST, 114.65 FEET; THENCE NORTH 41°41'40" WEST CONTINUING ALONG SAID WEST LINE, 130.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE NORTH 78°06'31" EAST ALONG THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 111.98 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89°31'53" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF THE ABANDONED DES MOINES AND CENTRAL IOWA RAILROAD BEING A TRANSVERSE LINE, 50.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.35 ACRES (15,312 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

PARCEL "C" DESCRIPTION:

A PART THE ABANDONED DES MOINES AND CENTRAL IOWA RAILROAD RIGHT-OF-WAY IN GOVERNMENT LOT 5 OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 21; THENCE SOUTH 0°02'03" WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21, A DISTANCE OF 1398.73 FEET; THENCE NORTH 89°57'57" WEST, 952.49 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 1859.86 FEET, WHOSE ARC LENGTH IS 227.85 FEET AND WHOSE CHORD BEARS SOUTH 12°49'02" EAST, 227.70 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID ABANDONED DES MOINES AND CENTRAL IOWA RAILROAD; THENCE SOUTH 80°41'33" WEST ALONG SAID WEST RIGHT-OF-WAY LINE BEING A TRANSVERSE LINE, 50.00 FEET; THENCE NORTHERLY CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE AND ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 1809.86 FEET, WHOSE ARC LENGTH IS 221.72 FEET AND WHOSE CHORD BEARS NORTH 12°49'02" WEST, 221.58 FEET; THENCE NORTH 73°40'24" EAST, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.26 ACRES (11,239 S.F.).

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2. A public hearing shall be held on June 9, 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.
4. The proceeds associated with the conveyance of Parcel B in the amount of \$2,110.00 shall be deposited into the following account: 2008-09 CIP, Page Storm Water Improvements – 4, City-wide Storm Water Utility Project, STE057. The proceeds associated with the conveyance of Parcel C in the amount of \$1,215.00 shall be deposited into the following account: 2008-09 CIP, Page Park Improvements - 22, Recreation Trails, PKS045.

Moved by Vlassis to adopt

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

Disposition – Non-Project
 Activity ID: 34-2008-006
 2008-09 CIP, Page Park Improvements - 22,
 Recreation Trails, PKS045.
 2008-09 CIP, Page Storm Water Improvements –
 4, City-wide Storm Water Utility Project, STE057

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

MOTION CARRIES APPROVED

T. M. Franklin Course 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