

★ Roll Call Number

08-918

Agenda Item Number

56

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Date May 19, 2008

HOLD 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 such right-of-way described below; and

WHEREAS, on May 5, 2008, by Roll Call No. 08-786, 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 May 19, 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.
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 a portion of East Locust Street 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:

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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.)

3. That the sale and conveyance of such right-of-way, as described below, to the State of Iowa for \$1 be and is hereby approved:

A VACATED 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.)

4. The Mayor is authorized and directed to sign 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 and upon proof of payment of the consideration, 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 of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

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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 Kiernan to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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

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.

T. M. Franklin Mayor
 City Council

Diane Rauh City Clerk