

★ Roll Call Number

08-1039

Agenda Item Number

69

Dispositions: Page 1

Date June 9, 2008

**HOLD 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 Bachtli, 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 Village, Inc. the owners of Tai Dam Village at Sawyer's Landing, have offered to the City of Des Moines the purchase price of \$3,325.00 for the purchase of City-owned properties more specifically described below; and

**WHEREAS**, on May, 19, 2008, by Roll Call No. 08- it was duly resolved by the City Council that the proposed conveyance of the below described properties be set down for hearing on June 9, 2008, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed 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:

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1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of these parcels, more specifically described as follows:

**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 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:**

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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.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. That the sale of such properties to Tai Villiage, Inc. for \$3,325.00, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this 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 Deed and copies of the other documents to the grantee.

8. 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.

(Council Communication No. 08-333)

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

*PSW*

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

MOTION CARRIED 7-0-0 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