



Roll Call Number

08-1040

Agenda Item Number

10

Date June 9, 2008

**HOLD HEARING FOR CONVEYANCE OF VACATED COURT AVENUE EAST OF
EAST 19TH STREET TO C&C REALTY LLC FOR \$1,570.00**

WHEREAS, the City of Des Moines owns real property in the vicinity of Court Avenue east of East 19th Street ("Property"), more particularly described as:

That part of Vacated East Court Avenue right-of-way Vacated by Ordinance No 9258, April 18, 1977, lying North Lot 1, of the Official Plat of Lot 20, Brooks and Co's Addition and lying easterly of the northerly extension of the East right-of-way line of Vacated East 19th Street. Beginning at the Northwest corner of said Lot 1; thence East along the South right-of-way line of vacated East Court Avenue 98.32 feet thence northeasterly to the North right-of-way line of vacated Court Avenue being 214.23 feet East of the East right-of-way line of Vacated East 19th Street; and being the South line of Lot 3 of said Brooks and Co's Addition; thence West along the North right-of-way line of vacated East Court Avenue 214.23 feet to the East right-of-way line of East 19th Street; thence South along the northerly extension of the East line of vacated East 19th Street to the point of beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

and

WHEREAS, on April 18, 1977, by Roll Call No. 1456, the City Council passed Ordinance No. 9528 vacating the Property; and

WHEREAS, C&C Realty LLC owns property adjacent to the subject Property and requested the landlocked Property be conveyed and incorporated into their existing business; and

WHEREAS, the City of Des Moines has no current or anticipated public need for the Property; and

WHEREAS, on May 19, 2008, by Roll Call No. 08- 875 it was duly resolved by the City Council that the proposed conveyance of the Property 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.



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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 the proposed conveyance of this Property are hereby overruled and the hearing is closed.
2. There is no public need for the Property proposed to be conveyed and the public would not be inconvenienced by reason of the conveyance.
3. That the granting of such property to C&C Realty LLC for \$1,570.00 is hereby approved.
4. The Mayor is authorized and directed to sign the Quit Claim 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.
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 this parcel shall be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

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(Council Communication No. 08-332)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

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.

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

MOTION CARRIED

APPROVED

T. M. Franklin Council
Mayor

Diane Rauh

City Clerk