

★ Roll Call Number

08-1319

Agenda Item Number

25

Dispositions: Page 1

Date July 28, 2008

**SET HEARING FOR VACATION AND CONVEYANCE OF
HAZELWOOD DRIVE ROW SOUTH OF FRANKLIN AVENUE
ADJOINING 1819 43RD STREET
TO ILA M. MCFARLAND ESTATE, FOR \$200.00**

WHEREAS, on November 21, 2005, by Roll Call No. 05-2780, the City Council adopted a recommendation from the City Plan and Zoning Commission that the north/south alley right-of-way known as Hazelwood extending south of Franklin Avenue between 41st Street and 43rd Street 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 Hazelwood Drive adjoining 1819 43rd Street more specifically described as follows:

All that part of Lot D (Hazelwood Drive right-of-way) lying West of and adjoining Lots 22, 23, 24 and 25; and, the East 5.0 feet of Lots 26 and 27; and, except the North 118.0 feet, the East 5.0 feet of Lot 28, all in Hazelwood, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 grantee and for the consideration identified below:

To: The Ila McFarland Estate for \$200.00

All of the vacated part of Lot D (Hazelwood Drive right-of-way) lying West of and adjoining Lots 22, 23, 24 and 25; and, the East 5.0 feet of Lots 26 and 27; and, except the North 118.0 feet, the East 5.0 feet of Lot 28, all in Hazelwood, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Subject to Reservation of an easement for all existing utilities now in place with right-of-entry for servicing same, and, further subject to the reservation of an easement for the planned future construction of a storm sewer line along and upon the North/South alley known as Hazelwood Drive.

DESCRIPTION REVIEWED
[Signature]
7/29/08 08:10

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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 August 11, 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. The proceeds from the sale of this property will be deposited into the following account: CDM Index: 950287, Fund: SP767, ORG: ENG980500, Fund Description: Property Maintenance Fund.

Moved by Kiernan to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
<div style="display: flex; justify-content: space-between;"> <div> <p><u>T. M. Franklin</u> Mayor</p> </div> <div> <p>APPROVED</p> </div> </div>				

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