

★ Roll Call Number  
08-1338

Agenda Item Number  
40

Dispositions: Page 1

Date July 28, 2008

**HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY  
AT 1238 E 16TH STREET FOR INFILL HOUSING TO  
LAB INVESTMENT COMPANY, INC. FOR \$7,560.00**

**WHEREAS**, the City of Des Moines is the owner of excess property in the vicinity of 1238 E. 16<sup>th</sup> Street, which property is legally described below; and

**WHEREAS**, LAB Investment Company, Inc. has offered to the City of Des Moines the purchase price of \$7,560.00 for the purchase of such City-owned property more specifically described below; and

**WHEREAS**, the City of Des Moines has no current municipal purpose for the requested property; and

**WHEREAS**, on July 14, 2008, by Roll Call No. 08-1191, it was duly resolved by the City Council that the proposed conveyance of real property located at 1238 East 16<sup>th</sup> Street, be set down for hearing on July 28, 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this property 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 this property located at 1238 East 16<sup>th</sup> Street, more specifically described as follows:

**Lot Thirty-three (33) of the Official Plat of the South 50 Acres of the East One-half (E1/2) of the Southwest Quarter (SW1/4) of Section 36, Township 79 North, Range 24, West of the 5<sup>th</sup> P.M., also known as WITMER AND WELCH'S OFFICIAL PLAT, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.**

DESCRIPTION REVIEWED  
*[Signature]*  
7/28/08 5:08 PM

★ Roll Call Number

08-1338

Agenda Item Number

40

Date July 28, 2008

Dispositions: Page 2

**And**

**The East ½ of the vacated alley, (Lot U) lying West of and Adjacent to Said Lot Thirty-three (33) of the Official Plat of the South 50 Acres of the East One-half (E1/2) of the Southwest Quarter (SW1/4) of Section 36, Township 79 North, Range 24, West of the 5<sup>th</sup> P.M., also known as WITMER AND WELCH'S OFFICIAL PLAT, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.**

Subject to any and all easements of record, utilities and or encroachments in place, and the right of entry to maintain and/or reconstruct as required.

3. That the sale and conveyance of such property to LAB Investment Company Inc. for \$7,560.00, together with payment by such grantee 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 Offer to Purchase and 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 from the sale of this property will be deposited into the following account: Account 480010, Fund SP020, Organization CDD049900, Project CDBG2008019

★ Roll Call Number  
08-1338

Agenda Item Number  
40

Dispositions: Page 3

Date July 28, 2008

(Council Communication No. 08-436)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*BSW*

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

MOTION CARRIED APPROVED  
J. M. Gordon 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