

★ Roll Call Number

08-1341

Agenda Item Number

43

Dispositions: Page 1

Date July 28, 2008

**HEARING ON THE VACATION AND CONVEYANCE OF EXCESS
CITY-OWNED RIGHT-OF-WAY AT EAST 19TH STREET AND
HUBBELL AVENUE TO KENOYER AND ASSOCIATES, L.L.C. FOR \$2,425.00.**

WHEREAS, on August 26, 1991, by Roll Call No. 91-3625, the City Council adopted a recommendation from the City Plan and Zoning Commission that excess City-owned right-of-way at East 19th Street and Hubbell Avenue be vacated and sold, subject to restriction of lot use to residential purposes; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and have 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; and

WHEREAS, on July 14, 2008, by Roll Call No. 08-1194, it was duly resolved by the City Council that the proposed vacation and conveyance of parcels be set down for hearing on July 28, 2008, at 5:00 p.m., in the Council Chamber; 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 the right-of-way more specifically described as follows:

Lots 10, 11 and 22 of the Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

3. That the sale and conveyance of such vacated right-of-way, as described below, to Kenoyer and Associates, L.L.C. and for the consideration of \$2,425.00, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

All that part of vacated Lots 10, 11 and 22 of the Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, subject to any utilities now in place, subject to restriction to residential uses.

★ **Roll Call Number**

Agenda Item Number

08-1341

A3

Dispositions: Page 2

Date July 28, 2008

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyances 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 plus \$113.00 for publication and recording costs, 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.

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 grantee.

8. 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.

(Council Communication No. 08-434)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
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.

Diane Rauh City Clerk

T. M. Franklin Mayor