



Roll Call Number

08-1452

Agenda Item Number

46

Date August 11, 2008

E. 14th Widening Jurisdictional Transfer to IDOT

HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY PURCHASED FOR THE EAST 14TH STREET WIDENING PROJECT TO THE STATE OF IOWA FOR THE BENEFIT AND USE OF THE IOWA DEPARTMENT OF TRANSPORTATION (IDOT)

WHEREAS, on September 12, 2005, by Roll Call No. 05-2167, the City Council approved and authorized the execution of an Iowa Department of Transportation ("IDOT") pre-design agreement for E. 14th Street (U.S. 69) from E. University Avenue to E. Aurora Avenue Project, now known as the East 14th Street Widening – Arthur Avenue to East Tiffin Project ("the Project"); and

WHEREAS, on August 6, 2007, by Roll Call No. 07-1484, the City Council approved and authorized the execution of an IDOT pre-construction agreement for the Project; and

WHEREAS, in order to effectuate the IDOT agreements and proceed with the Project, it is necessary for the City of Des Moines to transfer public road jurisdiction and convey certain right-of-way acquired by the City for the Project, as described below, to the State of Iowa, by and for the benefit of the IDOT, by Quit Claim Deed in accordance with Section 306.42 of the Iowa Code; and

WHEREAS, on July 28, 2008, by Roll Call No. 08- 1316, it was duly resolved by the City Council that the proposed conveyance of real property located at 2914 East 14th Street, be set down for hearing on August 11, 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. The public would not be inconvenienced by reason of the conveyance of this property located at 2914 East 14th Street in Des Moines, more specifically described as follows:

LOT 1 & 2, BLOCK 1, GRAND VIEW, AN OFFICIAL PLAT. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BY SURVEY 13,186 SQUARE FEET.

DESCRIPTION REVIEWED
[Signature]
8/13/08 12:15

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ALP

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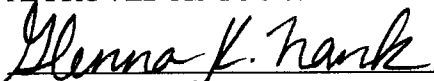
August 11, 2008

E. 14th Widening – Parcel 011 (Farley) Jurisdictional Transfer to IDOT

- That the transfer of public road jurisdiction and conveyance of the property as described above to State of Iowa for the benefit and use of the Iowa Department of Transportation, in order to effectuate the East 14th Street Widening – Arthur Avenue to East Tiffin Project, be and is hereby approved.
- 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.
- The City Clerk is authorized and directed to forward the original of this Quit Claim 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.
- The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim 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.
- 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.
- There are no proceeds from the conveyance of this property.

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

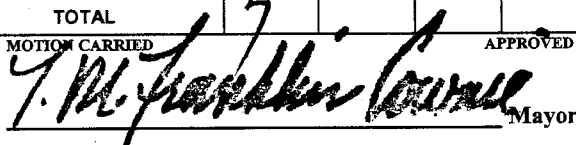

 Glenna K. Frank
 Assistant City Attorney

psw

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

MOTION CARRIED

APPROVED


 J. 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