



Roll Call Number

08-1460

Agenda Item Number

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Dispositions: Page 1

Date August 11, 2008

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; and

WHEREAS, on July 28, 2008, by Roll Call No. 08-1319, it was duly resolved by the City Council that the proposed vacation and conveyance of said right-of-way be set down for hearing on August 11, 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 north/south alley right-of-way known as Hazelwood extending south of Franklin Avenue between 41st Street and 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.

- 3. That the sale and conveyance of such right-of-way, as described below, to The Ila McFarland Estate for the consideration of \$200, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

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.

DESCRIPTION REVIEWED

Handwritten signature and date 8/11/08 12:44



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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.

- 4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance 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 originals 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 originals of the Quit Claim Deeds 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. 08-494)

Moved by Vlassis 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			
MOTION CARRIED			APPROVED	

T. 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 Fauh City Clerk