

HOLD HEARING ON CONVEYANCE OF PORTIONS OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY BETWEEN EAST 16TH STREET AND SAMPSON STREET, SOUTH OF EAST HULL AVENUE, TO LUTHER CARE SERVICES FOR \$1,640

WHEREAS, on May 25, 1964, by Roll Call No. 64-2646, the City Council approved Ordinance No. 7078 vacating the northern portion of the North/South alley right-of-way between East 16th Street and Sampson Street, south of East Hull Avenue; and

WHEREAS, on August 15, 1977, by Roll Call No. 77-3548, the City Council approved Ordinance No. 9319 vacating the southern portion of the North/South alley right-of-way between East 16th Street and Sampson Street, south of East Hull Avenue; and

WHEREAS, Luther Care Services is the owner of property abutting a segment of the vacated North/South alley right-of-way between East 16th Street and Sampson Street, South of East Hull Avenue, and has offered to the City of Des Moines the purchase price of \$1,640 for the purchase of such City-owned right-of-way, more specifically described below; and

WHEREAS, on August 25, 2008, by Roll Call No. 08- 1500 , it was duly resolved by the City Council that the proposed conveyance of real property, be set down for hearing on September 8, 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 portions of the vacated North/South alley right-of-way between East 16th Street and Sampson Street, south of East Hull Avenue, more specifically described as follows:

All of the West ½ of the vacated North/South alley right-of-way (vacated by Ordinance No. 7078, May 25, 1964) lying East of and adjoining Lot 8, Lindquist Place Replat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
J. Muehle
8/29/08 15:55

And

All of the vacated North/South alley right-of-way (vacated by Ordinance No. 9319, August 15, 1977) lying West of and adjoining Lots 10 and 11, Van Nest 1st Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The West 1/2 of the vacated North/South alley right-of-way (vacated by Ordinance No. 9319, August 15, 1977) lying East of and adjoining the South 55.0 feet of the North 165.0 feet of the South 4 Acres of Lot 3 in Partition Plat of the Northeast 1/4 of the Southwest 1/4 of Section 25, Township 79 North, Range 24 West of the 5th P.M., an Official Plat, and the West 1/2 of said vacated North/South alley right-of-way lying East of and adjoining the South 55.0 feet of the North 330.0 feet of the South 4 Acres of said Lot 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
J. [Signature]
8/14/08 15:25

3. That the sale and conveyance of such City-owned right-of-way to Luther Care Services for \$1,640, 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 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.
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: CDM Index: 950287, Fund: SP767, ORG: ENG980500, Fund Description: Property Maintenance Fund.

★ Roll Call Number

08-1610

Agenda Item Number

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Date September 8, 2008

(Council Communication No. 08-526)

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

psw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

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