



Roll Call Number

08-1884

Agenda Item Number

54

Date October 27, 2008

**HOLD HEARING FOR CORRECTED CONVEYANCE OF CITY-OWNED PROPERTY
LOCATED AT 1440 STEWART STREET FOR INFILL HOUSING REDEVELOPMENT
TO LAB INVESTMENT COMPANY, INC.**

WHEREAS, on October 4, 1982 by Roll Call No. 82-4671, the City Council of the City of Des Moines approved the purchase of 1440 Stewart Avenue for the Logan Avenue Urban Renewal Project; and

WHEREAS, on September 8, 2008, by Roll Call No. 08-1612, after notice and public hearing, the City Council intended to approve the conveyance of 1440 Stewart Street to LAB Investment Company, Inc., but said Roll Call contained an error in the legal description; and

WHEREAS, LAB Investment Company, Inc. has agreed to pay to the City of Des Moines the purchase price of \$7,160.00 for the purchase of the City-owned property, more particularly described below; and

WHEREAS, on, October 13, 2008, by Roll Call No. 08-1751, it was duly resolved by the City Council that the proposed conveyance of real property be set down for hearing on October 27, 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 these proposed conveyances, 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 the property as described below is 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, more specifically described as follows:

To: LAB Investment Company, Inc.

For: \$7,160

Purpose: Infill Housing

1440 Stewart Street:

All that part of Lot 4, Right-of-way Place, an Official Plat, Beginning at the Northwest corner of said Lot 4; thence Southeast 42.95 feet; thence West 23.32 feet to the West line of said Lot 4; thence North 36.00 feet to the Point of Beginning, and the East ½ of the vacated North/South alley

James D. Wright
Oct 16/8/07

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lying West of and adjoining the North 36.00 feet of said Lot 4, all now include in and forming a part of the City Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 9956, passed June 15, 1981)

And

Lots 13 and 14, Block 2, Stalford's Addition, an Official Plat, and the East ½ of the vacated North/South alley lying West of and adjoining said Lots 13 and 14, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 9956, passed June 15, 1981.)

3. That the sale and conveyance of such property and payment by such grantee of the consideration identified along with payment for the estimated publication and recording costs for this transaction is hereby approved.

4. The Mayor is authorized and directed to sign the 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 the 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 Deed and copies of the other documents to the grantee.

8. The proceeds from the sale of this property will be deposited as follows:

CDM Index: 950287, Fund: SP767, ORG: ENG980500, Fund Description: Property Maintenance Fund.



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Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

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

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

PSW

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

T. M. Frank Mayor