

★ Roll Call Number

08-1961

Agenda Item Number

21

Page 1

Date November 10, 2008

**SET HEARING FOR VACATION AND CONVEYANCE OF BIRCH LANE FROM THORNTON DRIVE TO SOUTHWEST 24<sup>TH</sup> STREET AND SOUTHWEST 24<sup>TH</sup> STREET FROM THORNTON AVENUE TO WATROUS AVENUE TO LEONARD AND SHERYL BALLARD FOR \$650, TO STEVEN CURTIS AND PHILIP MURRELL FOR \$250, AND TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR \$1**

WHEREAS, on October 27, 2008, by Roll Call No. 08-1840, the City Council received a recommendation from the City Plan and Zoning Commission that Birch Lane right-of-way from Thornton Drive to Southwest 24<sup>th</sup> Street and Southwest 24<sup>th</sup> Street right-of-way from Thornton Avenue to Watrous Avenue, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantees identified below are the owners 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 portions of such right-of-way described below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating Birch Lane right-of-way from Thornton Drive to Southwest 24<sup>th</sup> Street and Southwest 24<sup>th</sup> Street right-of-way from Thornton Avenue to Watrous Avenue, more specifically described as follows:

All of Lot A, (Birch Lane), Wakonda Club Knolls Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All of Lot C, (Southwest 24<sup>th</sup> Street) Wakonda Club Knolls, an Official Plat, (except the South 9.0 feet of said Lot C), and lying South of the South right-of-way line of Thornton Avenue extended southeasterly to the South right-of-way line of Thornton Drive, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way, as described below to the grantees and for the consideration identified below:

DESCRIPTION REVIEWED  
11/10/08  
11:02

★ **Roll Call Number**

08-1961

**Agenda Item Number**

21

Page 2

**Date** November 10, 2008

To: Leonard B. and Sheryl K. Ballard for \$650

The North 1/2 of Vacated Lot A (Birch Lane), Wakonda Club Knolls Plat 2, an Official Plat, lying South of and adjoining Lot 6, of said Wakonda Club Knolls, and that part of vacated Lot C, (Southwest 24<sup>th</sup> Street) Wakonda Club Knolls, an Official Plat, lying South of the South right-of-way line of Thornton Avenue extended southeasterly to the South right-of-way line of Thornton Drive and lying East of and adjoining the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 (Except Street), of Section 20, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Steven J. Curtis and Philip L. Murrell for \$250

The South 1/2 of Vacated Lot A (Birch Lane), Wakonda Club Knolls Plat 2, an Official Plat, and lying North of and adjoining Lot 7 of said Wakonda Club Knolls Plat 2, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Des Moines Independent Community School District for \$1

All that part of Vacated Lot C, (Southwest 24<sup>th</sup> Street) Wakonda Club Knolls, an Official Plat, (except the South 9.0 feet of said Lot C), lying East of and adjoining the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 (Except Street), of Section 20, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED  
11/10/08 1:41:00

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on November 24, 2008, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: CDM Index: 950287, Fund: SP767, ORG: ENG980500, Fund Description: Property Maintenance Fund.

★ Roll Call Number

08-1961

Agenda Item Number

21

Page 3

Date November 10, 2008

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED APPROVED
Christina L. Heasley
Mayor Pro Tem

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