

Date November 10, 2008

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**HOLD HEARING FOR VACATION AND CONVEYANCE OF THE EAST/WEST ALLEY  
BETWEEN WOODLAND AVENUE AND HIGH STREET, FROM A POINT 60 FEET EAST  
OF 14<sup>TH</sup> STREET TO 15<sup>TH</sup> STREET, AND 14<sup>TH</sup> STREET FROM WOODLAND AVENUE  
TO HIGH STREET, TO CENTRAL IOWA HEALTH PROPERTIES CORPORATION  
FOR \$414,750**

**WHEREAS**, on October 27, 2008, by Roll Call No. 08- 1838, the City Council adopted a recommendation from the City Plan and Zoning Commission that the East/West alley right-of-way between Woodland Avenue and High Street, from a point 60 feet east of 14<sup>th</sup> Street to 15<sup>th</sup> Street, and 14<sup>th</sup> Street right-of-way from Woodland Avenue to High Street, hereinafter more fully described, 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 such right-of-way described below; and

**WHEREAS**, on October 27, 2008, by Roll Call No. 08- 1841, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on November 10, 2008, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; 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 East/West alley between Woodland Avenue and High Street, from a point 60 feet east of 14<sup>th</sup> Street to 15<sup>th</sup> Street, and 14<sup>th</sup> Street right-of-way from Woodland Avenue to High Street, more specifically described as follows:

All of the East/West alley right-of-way lying North of and adjoining Lots 8 through 14, Block 1, Griffith's Subdivision of Lot 5 of the Pursley Addition, an Official Plat, and the West 60.0 feet of the East/West alley right-of-way lying West of the vacated East/West

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alley right of way (Vacated by Ordinance 10,705, September 23, 1985) and lying South of and adjoining Lot 23, Highwood Replat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All of the Fourteenth Street right-of-way from the South right-of-way line of Woodland Avenue to the North right-of-way line of High Street, and lying East of and adjoining Block 1, Griffith's Subdivision of Lot 5 of the Pursley Addition, 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 Central Iowa Health Properties Corporation for \$414,750, 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 East/West alley right-of-way lying North of and adjoining Lots 8 through 14, Block 1, Griffith's Subdivision of Lot 5 of the Pursley Addition, an Official Plat, and the vacated West 60.0 feet of the East/West alley right-of-way lying West of the vacated East/West alley right-of-way (Vacated by Ordinance 10,705, September 23, 1985) and lying South of and adjoining Lot 23, Highwood Replat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All of the vacated Fourteenth Street right-of-way from the South right-of-way line of Woodland Avenue to the North right-of-way line of High Street, and lying East of and adjoining Block 1, Griffith's Subdivision of Lot 5 of the Pursley Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

4. The Mayor Pro Tem is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, which includes a Permanent Ingress-Egress Access Easement for the benefit of the City and of the property at 1423 High Street, and the City Clerk is authorized and directed to attest to the Mayor Pro Tem'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 original 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.

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[Signature]

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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 Quit Claim 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: 2008-09 CIP, Page Street Improvements – 18, High Street Realignment – 10<sup>th</sup> Street to 14<sup>th</sup> Street, STR204.

(Council Communication No. **674** )

Moved by Coleman to adopt; receive and file the appraisal submitted by Mr. Lillis, and strongly encourage the parties to work together. City Manager to issue a status report to Council prior to second consideration of the ordinance on November 24, 2008.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1
MOTION CARRIED		APPROVED		
<u>Chilton L. Hensley</u>		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