

**SET HEARING FOR CORRECTED CONVEYANCE OF THE NORTH/SOUTH ALLEY BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET, FROM CROCKER STREET TO CENTER STREET, AND A PORTION OF 9<sup>TH</sup> STREET RIGHT-OF-WAY BETWEEN CROCKER STREET AND CENTER STREET TO PRINCIPAL LIFE INSURANCE COMPANY**

**WHEREAS**, on May 7, 2007, by Roll Call 07-890, after notice and public hearing, the City Council intended to approve the vacation and conveyance of the North/South alley between 8<sup>th</sup> Street and 9<sup>th</sup> Street, from Crocker Street to Center Street, and a portion of 9<sup>th</sup> Street right-of-way between Crocker Street and Center Street, but said Roll Call contained an error in the legal description due to a scrivener's error; 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 real property.

**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 the North/South alley between 8<sup>th</sup> Street and 9<sup>th</sup> Street, from Crocker Street to Center Street, and a portion of 9<sup>th</sup> Street right-of-way between Crocker Street and Center Street, more specifically described as follows:

ALL OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 28 THROUGH 36, GEO SNEER'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.22 ACRES (9,508 S.F.).

AND

PART OF LOT 5 OF THE OFFICIAL PLAT OF THE SUBDIVISION OF BLOCK "O", HOLCOMB'S ADDITION, BEING AN OFFICIAL PLAT, AND PART OF LOT 1 IN THE OFFICIAL PLAT OF THE SE ¼ OF THE NW ¼ OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN SAID BLOCK "O" HOLCOMB'S ADDITION; THENCE NORTH 89°(Degrees) 07'(Minutes) 23" (Seconds) WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 126.30 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 9<sup>TH</sup> STREET; THENCE SOUTH 0°30'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 413.60 FEET; THENCE SOUTH 7°10'11" EAST, 15.00 FEET TO THE POINT OF BEGINNING; THENCE

DESCRIPTION REVIEWED  
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CONTINUING SOUTH 7°10'11" EAST, 37.38 FEET; THENCE SOUTH 13°52'34" EAST, 133.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET; THENCE NORTH 89°18'26" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET EXTENDED 16.69 FEET; THENCE NORTH 42°04'53" WEST, 27.75 FEET; THENCE NORTH 5°45'43" WEST, 35.53 FEET; THENCE NORTH 0°08'11" EAST, 81.76 FEET; THENCE NORTH 3°55'45" EAST, 28.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,752 S.F.).

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 grantee and for the consideration identified below:

To: Principal Life Insurance Company for \$58,750

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 28 THROUGH 36, GEO SNEER'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.22 ACRES (9,508 S.F.).

AND

THE VACATED PART OF LOT 5 OF THE OFFICIAL PLAT OF THE SUBDIVISION OF BLOCK "O", HOLCOMB'S ADDITION, BEING AN OFFICIAL PLAT, AND THE VACATED PART OF LOT 1 IN THE OFFICIAL PLAT OF THE SE ¼ OF THE NW ¼ OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN SAID BLOCK "O" HOLCOMB'S ADDITION; THENCE NORTH 89°(Degrees) 07'(Minutes) 23" (Seconds) WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 126.30 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 9<sup>TH</sup> STREET; THENCE SOUTH 0°30'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 413.60 FEET; THENCE SOUTH 7°10'11" EAST, 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7°10'11" EAST, 37.38 FEET; THENCE SOUTH 13°52'34" EAST, 133.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET; THENCE NORTH 89°18'26" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET EXTENDED 16.69 FEET; THENCE NORTH 42°04'53" WEST, 27.75 FEET; THENCE NORTH 5°45'43" WEST, 35.53 FEET; THENCE NORTH 0°08'11" EAST, 81.76 FEET; THENCE NORTH 3°55'45" EAST, 28.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,752 S.F.).

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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 December 8, 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 have been deposited into the following account: 2007-08 Operating Budget, Page 255, Property Maintenance, SP767.

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	✓			
HENSLEY	✓			
KIERNAN	✓			
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 Rauh City Clerk