

★ Roll Call Number

Agenda Item Number

08-2151

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Date December 8, 2008

HOLD HEARING FOR CORRECTED VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY BETWEEN 8TH STREET AND 9TH STREET, FROM CROCKER STREET TO CENTER STREET, AND A PORTION OF 9TH 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 8th Street and 9th Street, from Crocker Street to Center Street, and a portion of 9th 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 described below; and

WHEREAS, on November 24, 2008, by Roll Call No. 08-2045, 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 December 8, 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 North/South alley between 8th Street and 9th Street, from Crocker Street to Center Street, and a portion of 9th 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.).

DESCRIPTION APPROVED

[Handwritten signature]
12/08/08 9:08

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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 1/4 OF THE NW 1/4 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 9TH 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.).

3. That the sale and conveyance of such right-of-way as described below, to Principal Life Insurance Company for \$58,750, 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 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 1/4 OF THE NW 1/4 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 9TH STREET; THENCE SOUTH 0°30'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 413.60 FEET; THENCE

DESCRIPTION REVIEWED
[Signature]
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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.).

DESCRIPTION REVIEWED

4. The Mayor is authorized and directed to sign the Corrected Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way, 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.

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 grantees.

8. The proceeds from the sale of this property have been deposited into the following account: 2007-08 Operating Budget, Page 255, Property Maintenance, SP767.

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Moved by Hensley 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 | 6 | | | 1 |
| MOTION CARRIED | | APPROVED | | |
| <u>T. M. Franklin</u> 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