

★ Roll Call Number

09-087

Agenda Item Number

27

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Date January 26, 2009

SET HEARING FOR VACATION AND CONVEYANCE OF 13TH STREET FROM KEOSAUQUA WAY TO SCHOOL STREET (EXCEPT THE NORTH 26 FEET) AND THE NORTH/SOUTH ALLEY WEST OF 13TH STREET, FROM SCHOOL STREET TO KEOSAUQUA WAY (EXCEPT THE NORTH 26 FEET), TO CENTRAL IOWA SHELTER AND SERVICES FOR \$1,000

WHEREAS, on December 22, 2008, by Roll Call No. 08-2219, the City Council referred to the Plan and Zoning Commission the vacation of former 13th Street and alley right-of-way located off of Keosauqua Way south of I-235; and

WHEREAS, the City Plan and Zoning Commission has considered and recommended approval for said vacation of 13th Street right-of-way from Keosauqua Way to School Street (except the north 26 feet) and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way (except the north 26 feet), hereinafter more fully described, at their meeting on January 15, 2009, and on January 26, 2009, the City Council will receive and file the Plan and Zoning Commission's report and recommendation, prior to proceeding with the public hearing for the vacation and sale of this property; and

WHEREAS, Central Iowa Shelter and Services wishes to purchase property adjoining this right-of-way for construction of a new shelter facility, 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.

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 13th Street right-of-way from Keosauqua Way to School Street (except the north 26 feet) and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way (except the north 26 feet), more specifically described as follows:

ALL THAT PART OF 13TH STREET RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING LOTS 11, 12, 13 AND 14, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 10, OF SAID JONES SUBDIVISION.

AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 1, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING LOT 82, KEOSAUQUA WAY PLAT 3, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE NORTH 8.0 FEET OF LOT 81, OF SAID

DESCRIPTION REVIEWED
[Signature]
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KEOSAUQUA WAY PLAT 3, 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 grantee and for the consideration identified below:

To: Central Iowa Shelter and Services for \$1,000

ALL THAT PART OF VACATED 13TH STREET RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING LOTS 11, 12, 13 AND 14, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 10, OF SAID JONES SUBDIVISION.

AND

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 1, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING LOT 82, KEOSAUQUA WAY PLAT 3, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE NORTH 8.0 FEET OF LOT 81, OF SAID KEOSAUQUA WAY PLAT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

DESCRIPTION REVIEWED

[Signature]
1/23/2009 15:14

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 February 9, 2009, 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.

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Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

DFW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
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