



Roll Call Number

09-729

Agenda Item Number

21

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Date May 4, 2009

**SET HEARING FOR THE VACATION AND CONVEYANCE OF SEGMENTS OF UNDEVELOPED SE 24<sup>TH</sup> COURT AND C B & Q STREET RIGHTS-OF-WAY TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

**WHEREAS**, on April 20, 2009, by Roll Call No. 09-623, the City Council received a recommendation from the City Plan and Zoning Commission that Southeast 24<sup>th</sup> Court from C B & Q Street north to Burlington Northern and Santa Fe Railroad and C B & Q Street from SE 24<sup>th</sup> Court east to Burlington Northern and Santa Fe Railroad, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, the Des Moines Metropolitan Wastewater Authority (WRA), a political subdivision organized under Chapters 28E and 28F of the Iowa Code, is the owner of property abutting such rights-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portion of such rights-of-way described below, in order to use such rights-of-way for the public purpose of construction of the Combined Sewer Solids Separation Facility.

**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 segments of undeveloped SE 24<sup>th</sup> Court and C B & Q Street, more specifically described as follows:

All that part of Southeast 24<sup>th</sup> Court lying South of the South right-of-way line of Chicago, Burlington & Quincy Railroad in the Southeast ¼ of the Northwest ¼ of Section 12, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., and lying North of the westerly extension of the South right-of-way line of C B & Q Street (Old Bennett Road)

And

All that part of C B & Q Street right-of-way (Old Bennett Road) lying East of the Southerly extension of the East right-of-way line of Southeast 24<sup>th</sup> Court and lying West of the South right-of-way line of Chicago, Burlington & Quincy Railroad, all now included in and forming part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described rights-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: The Des Moines Metropolitan Wastewater Reclamation Authority for \$1

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All that part of the vacated Southeast 24<sup>th</sup> Court lying South of the South right-of-way line of Chicago, Burlington & Quincy Railroad in the Southeast ¼ of the Northwest ¼ of Section 12, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., and lying North of the westerly extension of the South right-of-way line of C B & Q Street (Old Bennett Road)

And

All that part of the vacated C B & Q Street right-of-way (Old Bennett Road) lying East of the Southerly extension of the East right-of-way line of Southeast 24<sup>th</sup> Court and lying West of the South right-of-way line of Chicago, Burlington & Quincy Railroad, all now included in and forming part of the City of Des Moines, Polk County, Iowa.

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 May 18, 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. There are no proceeds from the sale of this property and associated costs shall be expended from the following account: WRA Combined Sewer Solids Separation Facility, AG267, WRA99000, WRA087.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

pm Glenna K. Frank, Assistant City Attorney

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

**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.

T. M. Franklin Mayor

Diane Rauh City Clerk