



**Roll Call Number**

09-979

**Agenda Item Number**

26

Dispositions: Page 1

**Date** June 8, 2009

**SET HEARING FOR THE VACATION AND CONVEYANCE OF A SMALL SEGMENT OF EAST 33<sup>RD</sup> STREET SOUTH OF E. THOMPSON AVENUE, AND OF THOMPSON AVENUE BETWEEN EAST 33<sup>RD</sup> STREET AND EAST 34<sup>TH</sup> STREET, TO ST. JOSEPH'S CHURCH OF DES MOINES, POLK COUNTY, IOWA FOR \$600.00**

**WHEREAS**, on October 20, 1997, by Roll Call No. 97-3483, the City Council passed Ordinance No. 13,537, vacating a portion of E. 33<sup>rd</sup> Street right-of-way south of E. Thompson Avenue, however a small segment of E. 33<sup>rd</sup> Street was not included in said vacation which was intended to have also been vacated and conveyed; and

**WHEREAS**, on March 23, 2009, by Roll Call No. 09-464, the City Council received a recommendation from the City Plan and Zoning Commission that Thompson Avenue between East 33<sup>rd</sup> Street and East 34<sup>th</sup> Street, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, St. Joseph's Church Of Des Moines, Polk County, Iowa, 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 expansion and construction of a parking lot, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division.

**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 a small segment of East 33<sup>rd</sup> Street south of E. Thompson Avenue, and vacation of Thompson Avenue between East 33<sup>rd</sup> Street and East 34<sup>th</sup> Street, more specifically described as follows:

All that part of Lot Z, (East Thompson Avenue) Four Mile, an Official Plat, lying South of and adjoining Lots 1077 thru 1081, of said Four Mile, and lying North of the westerly extension of the North line of Lot 1082, of said Four Mile to the intersection of the southerly extension of the West line of said Lot 1077, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

That part of East 33<sup>rd</sup> Street right-of-way lying West of and adjoining part of Lot Z, of said Four Mile, further described as follows; beginning at the intersection of the North line of the westerly extension of Lot 1082 of said Four Mile and the southerly extension of the West line of Lot 1077 of said Four Mile; thence West 12.0 feet; thence South 12.0 feet; thence East 12.0 feet to the West line of said Lot Z, thence North along the West line of said Lot Z to the point of beginning, 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 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:

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To: St. Joseph's Church Of Des Moines, Polk County, Iowa for \$600

All that part of Vacated Lot Z, (East Thompson Avenue) Four Mile, an Official Plat, lying South of and adjoining Lots 1077 thru 1081, of said Four Mile, and lying North of the westerly extension of the North line of Lot 1082, of said Four Mile to the intersection of the southerly extension of the West line of said Lot 1077, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

That part of vacated East 33<sup>rd</sup> Street right-of-way lying West of and adjoining part of Lot Z, of said Four Mile, further described as follows; beginning at the intersection of the North line of the westerly extension of Lot 1082 of said Four Mile and the southerly extension of the West line of Lot 1077 of said Four Mile; thence West 12.0 feet; thence South 12.0 feet; thence East 12.0 feet to the West line of said Lot Z, thence North along the West line of said Lot Z to the point of beginning, all now included in and forming a 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 June 22, 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: FUND: SP767, ENG980500.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

Moved by Mahaffey to adopt.  
 with the understanding that public access for residents on Thompson Avenue are met.

*REV*

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

MOTION CARRIED 7-0-0 APPROVED  
T. M. Franklin Course 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