

★ Roll Call Number

09-1129

Agenda Item Number

54

Dispositions: Page 1

Date June 22, 2009

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF
A SMALL SEGMENT OF EAST 33RD STREET SOUTH OF E. THOMPSON AVENUE, AND
THOMPSON AVENUE BETWEEN EAST 33RD STREET AND EAST 34TH 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. 33rd Street right-of-way south of E. Thompson Avenue, however a small segment of E. 33rd 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 33rd Street and East 34th 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 right-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; and

WHEREAS, on June 8, 2009, by Roll Call No. 09-_____, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on June 22, 2009, 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 more specifically described as follows:

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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 33rd 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 and forming a part of the City of Des Moines, Polk County, Iowa.

3. The proposed sale of such vacated right-of-way, as described below, to St. Joseph's Church of Des Moines, Polk County, Iowa, for \$600.00, subject to reservation of a permanent public access easement, is hereby approved:

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 33rd 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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the 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 rights-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, 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

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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 shall be deposited into the following account:
 FUND: SP767, ENG980500.

(Council Communication No. 09-410)

Moved by Mahaffey to adopt

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

FSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
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