

Date July 13, 2009

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCATED NORTH OF INTERSTATE 235 AND BETWEEN 21<sup>ST</sup> AND 22<sup>ND</sup> STREETS TO THE ADJOINING PROPERTY OWNERS, DON AND JASON ROOSE, FOR \$200.00**

**WHEREAS**, the City of Des Moines is the owner of excess property located north of Interstate 235 and between 21<sup>st</sup> and 22<sup>nd</sup> Streets, which property is legally described below; and

**WHEREAS**, the conveyance of said City-owned real property was solicited by a competitive disposition process to the adjoining property owners for sideyard use; and

**WHEREAS**, Don and Jason Roose are the owners of property abutting said City-owned property, and have offered to the City of Des Moines the purchase price of \$200.00 for the purchase of such City-owned property more specifically described below, which price was the highest bid received and reflects the fair market value of the property; and

**WHEREAS**, on June 22, 2009, by Roll Call No. 09- 1074, it was duly resolved by the City Council that the proposed conveyance of said real property located north of Interstate 235 and between 21<sup>st</sup> and 22<sup>nd</sup> Streets, be set down for hearing on July 13, 2009, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed 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 the proposed conveyance of this property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this property located north of Interstate 235 and between 21<sup>st</sup> and 22<sup>nd</sup> Streets, more specifically described as follows:

A parcel of land being part of Lot Nos. 4, 5, and 6 in Block 2 of COTTAGE GROVE ADDITION to the City of Des Moines, Iowa, more particularly described as follows:

The East 124.69 feet of said Lot 6 and all that part of the South ½ of the North ½ of said Lot 4 and all that part of the East 73.3 feet of said Lot 5 that lies Northerly of a line beginning at a point 25 feet South of the Northeast corner of the South ½ of the North ½ of said Lot 4, said point being on the East line of said Lot 4; thence Southwesterly to a point 150.7 feet South of the Northwest corner of the East 73.3 feet of said Lot 5, said point being on the West Line of the East 73.3 feet of said Lot 5. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

★ Roll Call Number

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3. That the sale and conveyance of such City-owned property to Don and Jason Roose for \$200.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this 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 Deed and copies of the other documents to the grantee.
8. The proceeds from the sale of this property will be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 09.455 )

Moved by Keenan 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	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