



Roll Call Number

09-1441

Agenda Item Number

29

Dispositions: Page 1

Date August 10, 2009

SET HEARING FOR THE CONVEYANCE OF CITY-OWNED REAL ESTATE AND FOR THE VACATION AND CONVEYANCE OF THE ADJOINING ALLEY AT THE CORNER OF INDIANOLA ROAD AND EDISON AVENUE TO THE ST. ANTHONY’S CHURCH OF DES MOINES, POLK COUNTY, IOWA FOR \$300

WHEREAS, on November 24, 2008, by Roll Call No. 08-2043, the City of Des Moines City Council received a recommendation from the Plan and Zoning Commission for vacation and conveyance of the north/south alley between SW 1st Street and Indianola Avenue from Edison Avenue to Indianola Avenue; and

WHEREAS, The St. Anthony’s Church of Des Moines, Polk County, Iowa is the owner of real property abutting said north/south alley and additional excess City-owned property located at the corner of Indianola Road and Edison Avenue, hereinafter more fully described, 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 and excess property described below; and

WHEREAS, a public hearing and notice thereof is required by the Iowa Code prior to vacation and conveyance of said alley right-of-way, and the conveyance of said excess City-owned property.

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 the north/south alley between SW 1st Street and Indianola Avenue from Edison Avenue to Indianola Avenue, more specifically described as follows:

All that part of North/South Alley right-of-way lying South of the southwesterly right-of-way line of Indianola Avenue and lying northerly of the northwesterly extension of the Southerly line of Lot 5, Block 11, Van’s Addition, an Official Plat, and lying easterly of and adjoining Lots 3 and 4 of said Block 11, 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 portions of such alley right-of-way along with another portion of excess City-owned property, as described below to the grantee and for the consideration identified below:

To: The St. Anthony’s Church of Des Moines, Polk County, Iowa for \$300

All that part of vacated North/South Alley right-of-way lying South of the southwesterly right-of-way line of Indianola Avenue and lying northerly of the northwesterly extension of the Southerly line of Lot 5, Block 11, Van’s Addition, an Official Plat, and lying easterly of and adjoining Lots 3

★ **Roll Call Number**
09-1441

Agenda Item Number
29

Dispositions: Page 2

Date August 10, 2009

and 4 of said Block 11, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

Parcel "A" in Lots 5 and 6, Block 11, Van's Addition to South Des Moines, an Official Plat as recorded in Book 10252, Page 873 on November 5, 2003 in the Recorders Office of 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 August 24, 2009, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the Chief Deputy 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: Street Improvements, Fed Title-23 Land Sales, STR500, Page Street Improvements - 16.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

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