



Roll Call Number

09-1795

Agenda Item Number

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Date September 28, 2009

HOLD HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR SEGMENT OF EAST 14TH STREET RIGHT-OF-WAY LOCATED WEST OF THE TRAVELLED PORTION OF THE STREET AND RUNNING APPROXIMATELY 376 FEET SOUTH OF EAST COURT AVENUE, AND PORTIONS OF STREET AND ALLEY RIGHTS-OF-WAY IN THE VICINITY OF THE STATE JUDICIAL BUILDING, TO THE STATE OF IOWA FOR \$1

WHEREAS, on November 6, 2006, by Roll Call No. 06-2173, the City Council adopted a recommendation from the City Plan and Zoning Commission that portions of street and alley rights-of-way in the vicinity of the State Judicial Building, hereinafter more fully described, be vacated and conveyed; and

WHEREAS, on September 14, 2009, by Roll Call No. 09-1639, the City Council adopted a recommendation from the City Plan and Zoning Commission that an irregular segment of East 14th Street right-of-way located west of the travelled portion of the street and running approximately 376 feet South of East Court Avenue, hereinafter more fully described, be vacated and conveyed; and

WHEREAS, the grantee identified below 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 such rights-of-way described below; and

WHEREAS, on September 14, 2009, by Roll Call No. 09-1638, 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 September 28, 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 rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of an irregular segment of East 14th Street right-of-way located west of the travelled portion of the street and running approximately 376 feet south of

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East Court Avenue, and portions of street and alley rights-of-way in the vicinity of the State Judicial Building, more specifically described as follows:

All that part of Block A, (East 12th Street right-of-way) of B. F. Allen, J. S. Polk and F. M. Hubbell's Re-platting and Subdivision of W.A. Scott's Addition or Subdivision, an Official Plat, lying West of and adjoining Lots 7 thru 9 of the Official Plat of Lot 1 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of the North/South alley right-of-way lying East of and adjoining Lots 7 thru 9 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of East 13th Street lying East of and adjoining Lots 10 thru 12 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of the North/South alley right-of-way lying East of and adjoining Lots 29 and 30 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

A part of the existing right-of-way of Southeast 14th Street described as follows:

Commencing at the Northwest corner of Block 9 of W. A. Scott's Addition, an Official Plat; thence South 78°(Degrees) 40'(Minutes) 34'' (Seconds) East along the South right-of-way line of East Court Avenue, 235.18 feet to a point on the West



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right-of-way line of Southeast 14th Street, thence South 50°16'26" East along said West right-of-way line, 34.93 feet to the point of beginning; thence continue South 50°16'26" East, 16.14 feet; thence South 00°15'22" West, 375.67 feet; thence South 75°10'44" West, 7.39 feet to a point on said West right-of-way line of Southeast 14th Street; thence the following courses and distances along said West Right-of-way line: North 14°49'16" West, 80.00 feet; thence South 75°10'44" West, 29.97 feet; thence North 00°44'22" East, 129.63 feet; thence North 68°53'40" East, 10.06 Feet; thence North 89°54'55" East, 36.27 feet; thence North 00°27'27" West, 184.91 feet to the point of beginning and containing 0.24 acres (10,541 S.F.).

3. That the sale and conveyance of such rights-of-way, as described below, to the State of Iowa for \$1, be and is hereby approved:

All that part of vacated Block A, (East 12th Street right-of-way) of B. F. Allen, J. S. Polk and F. M. Hubbell's Re-platting and Subdivision of W.A. Scott's Addition or Subdivision, an Official Plat, lying West of and adjoining Lots 7 thru 9 of the Official Plat of Lot 1 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of vacated North/South alley right-of-way lying East of and adjoining Lots 7 thru 9 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of vacated East 13th Street lying East of and adjoining Lots 10 thru 12 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of vacated North/South alley right-of-way lying East of and adjoining Lots 29 and 30 of the Official Plat of the East 1/2 of the Southeast 1/4 of Section 3, Township 78 North, Range 24 West of the 5th P.M. and the South 236 feet of the

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West 1/2 of Lot 31, Brooks and Co's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

A part of the existing vacated right-of-way of Southeast 14th Street described as follows:

Commencing at the Northwest corner of Block 9 of W. A. Scott's Addition, an Official Plat; thence South 78°(Degrees) 40'(Minutes) 34"(Seconds) East along the South right-of-way line of East Court Avenue, 235.18 feet to a point on the West right-of-way line of Southeast 14th Street, thence South 50°16'26" East along said West right-of-way line, 34.93 feet to the point of beginning; thence continue South 50°16'26" East, 16.14 feet; thence South 00°15'22" West, 375.67 feet; thence South 75°10'44" West, 7.39 feet to a point on said West right-of-way line of Southeast 14th Street; thence the following courses and distances along said West Right-of-way line: North 14°49'16" West, 80.00 feet; thence South 75°10'44" West, 29.97 feet; thence North 00°44'22" East, 129.63 feet; thence North 68°53'40" East, 10.06 Feet; thence North 89°54'55" East, 36.27 feet; thence North 00°27'27" West, 184.91 feet to the point of beginning and containing 0.24 acres (10,541 S.F.).

4. The Mayor is authorized and directed to sign the Quit Claim Deeds for the conveyances 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, the City Clerk is authorized and directed to forward the originals of the said Deeds, 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 originals of the Deeds, 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 originals of the Quit Claim Deeds and copies of the other documents to the grantee.

8. There will be no proceeds associated with the conveyance of this property in accordance with Iowa Code Section 364.7(3).

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Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
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Assistant City Attorney

PSW

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