



Roll Call Number

09-1845

Agenda Item Number

18

Dispositions: Page 1

Date October 12, 2009

**SET HEARING FOR THE VACATION AND CONVEYANCE OF A SMALL SEGMENT OF
SOUTHEAST 28th STREET NORTH OF EAST MARKET STREET, TO
GREENSTAR MID-AMERICA, LLC, FOR \$900.00**

WHEREAS, on August 24, 2009, by Roll Call No. 09-1542, the City Council received a recommendation from the City Plan and Zoning Commission that Southeast 28th Street north of East Market Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, Greenstar Mid-America, LLC, is the owner of property abutting such right-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 right-of-way for the expansion and incorporation with their existing site, 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 Southeast 28th Street north of East Market Street, more specifically described as follows:

All that part of Southeast 28th Street right-of-way lying West of and adjoining Lots 128 thru 130 Hoffman's Addition to Grant Park, an Official Plat, and lying South of the westerly extension of the South line of Lot 131 of said Hoffman's Addition as vacated by Ordinance No. 6061, June 29, 1959, 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 such right-of-way, as described below to the grantee and for the consideration identified below:

To: GREENSTAR MID-AMERICA, LLC for \$900.00

All that part of vacated Southeast 28th Street right-of-way lying West of and adjoining Lots 128 thru 130 Hoffman's Addition to Grant Park, an Official Plat, and lying South of the westerly extension of the South line of Lot 131 of said Hoffman's Addition as vacated by Ordinance No. 6061, June 29, 1959, 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 October 26, 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.

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5. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

APPROVED AS TO FORM:

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

Moved by Mahaffey to adopt.

psw

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