



Roll Call Number

09-2105

Agenda Item Number

23

Date November 23, 2009

SET HEARING FOR THE CONVEYANCE OF VACATED RIGHT-OF-WAY ADJOINING 3001 MERLE HAY ROAD AND 5703 URBANDALE AVENUE TO D & D INTERESTS, L.L.C. FOR \$50,000.00

WHEREAS, on March 23, 2009, by Roll Call No. 09-454, the City Council of the City of Des Moines, Iowa, authorized the acquisition of real property for the Merle Hay Road/Urbandale Avenue Intersection Improvements Project ("the Project"), including acquisition of property interests from D & D Interests, LLC, as owners of 5703 Urbandale Avenue and 3001 Merle Hay Road; and

WHEREAS, during negotiations for property acquisition for the Project, D & D Interests, LLC expressed interest in and has offered to the City of Des Moines the purchase price of \$50,000.00 for the purchase of City-owned vacated right-of-way more specifically described below that adjoins its property, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division, and which purchase if approved is to occur simultaneously with the closing on the City's purchase of property interests from D & D Interests, LLC for the Project; and

WHEREAS, there is no known current or future need for the property proposed to be sold and the City will not be inconvenienced by the sale of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. The City Council of the City of Des Moines, Iowa proposes to sell the following described property adjoining 3001 Merle Hay Road and 5703 Urbandale Avenue as more specifically described and for the consideration identified below:

To: D & D Interests, LLC

For: \$ 50,000.00

LEGAL DESCRIPTION: FEE SIMPLE INTEREST

A PART OF THE NORTH 30.00 FEET OF VACATED URBANDALE AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 32, GOODWIN PLACE, AN OFFICIAL PLAT (EXCEPT THE WEST 17.0 FEET) VACATED BY ORDINANCE 9857, NOVEMBER 3, 1980, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SOUTHWEST CORNER OF SAID LOT 32; THENCE NORTH 89° (DEGREES)56'(MINUTES)39"(SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 390.73 FEET; THENCE SOUTH 0°19'23" EAST, 30.00 FEET; THENCE SOUTH 89°56'39" WEST, 367.25 FEET; THENCE NORTH 68°17'31" WEST, 21.22 FEET; THENCE NORTH 33°00'45" WEST, 7.31 FEET; THENCE NORTH 0°09'58" EAST, 16.00

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FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 11,604 SQUARE FEET.

2. A public hearing shall be held on December 7, 2009 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. 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.

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*RAW*

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