



Roll Call Number

09-2138

Agenda Item Number

52

Dispositions: Page 1

Date November 23, 2009

HOLD HEARING FOR CORRECTED CONVEYANCE OF A SEGMENT OF THE EAST/WEST ALLEY RUNNING WEST OF MARTIN LUTHER KING JR. PARKWAY BETWEEN WASHINGTON AVENUE AND MONDAMIN AVENUE, TO FREDERICK ROBERT HEWS

WHEREAS, on August 10, 2009, by Roll Call No. 09-1484, after notice and public hearing, the City Council intended to approve the conveyance of a segment of the east/west alley running west of Martin Luther King Jr. Parkway between Washington Avenue and Mondamin Avenue to Frederick Robert Hews for \$626.00, but said Roll Call contained an error in the legal description of that portion to be conveyed to Mr. Hews due to a scrivener's error; and

WHEREAS, the grantee identified below is the owner of property abutting such vacated rights-of-way and has offered to the City of Des Moines the purchase price identified below for the purchase of the portions of such vacated right-of-way described below; and

WHEREAS, on November 9, 2009, by Roll Call No. 09-2009, it was duly resolved by the City Council that the proposed corrected conveyance be set down for hearing on November 23, 2009, at 5:00 p.m., in Council Chamber; and

WHEREAS, due notice of said proposal to correct the conveyance of the vacated 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 corrected 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 corrected conveyance of the vacated public right-of-way as described below are hereby overruled and the hearing is closed.

2. That the sale and conveyance of such vacated right-of-way, as described below, to the grantee and for such consideration as identified below, is hereby approved:

To: Fredrick Robert Hews for \$626.00

All of the vacated East/West alley right-of-way lying West of the West right-of-way line of Martin Luther King Jr. Parkway (AKA Harding Road), and lying North of and adjoining Lots 1 through 8, Block 1, Shepherdson's Addition to the City of Des Moines, an Official Plat and the vacated East/West alley right-of-way lying North of and adjoining the East 10.0 feet of Lot 9, of said Block 1, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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3. The Mayor is authorized and directed to sign the Corrected Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The City Clerk is authorized and directed to forward the original of said 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.

5. 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.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Corrected Quit Claim Deed and copies of the other documents to the grantee.

7. The proceeds from the sale of this property have been deposited into the following account: PROPERTY MAINTENANCE ENDOWMENT FUND: SP767, ENG980500.

Moved by Vlassis 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			

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