

★ Roll Call Number
10-108

Agenda Item Number
19

Date January 25, 2010

SET HEARING FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED SOUTH OF AND ADJACENT TO 821 40TH PLACE, TO BRIAN BURNS FOR \$237.00

WHEREAS, the City of Des Moines owns excess real property located on 40th Place between Rollins Avenue and Interstate 235 ("Property"), which Property is legally described below; and

WHEREAS, Brian Burns is the owner of property abutting said City-owned property, and has offered to the City of Des Moines the purchase price of \$237.00 for the purchase of such City-owned Property, which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division, said conveyance being subject to a permanent easement for recreational trail to be reserved by the City; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property, subject to an easement as described above.

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

1. The City of Des Moines, Iowa proposes to convey the Property described, as described below, to the grantee and for the consideration identified below:

To: Brian Burns

For \$237.00

A PART OF LOT 76 AND PART OF THE WEST 7.0 FEET OF VACATED NORTH/SOUTH ALLEY LYING EAST AND ADJOINING SAID LOT 76, BRYN MAWR HEIGHTS, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 76; THENCE SOUTH 89° (DEGREES)26' (MINUTES)41" (SECONDS) EAST ALONG THE NORTH LINE OF SAID LOT 76, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°26'41" EAST ALONG THE NORTH LINE OF SAID LOT 76, A DISTANCE OF 82.53 FEET; THENCE SOUTH 0°10'58" WEST, 8.20 FEET; THENCE SOUTH 57°57'10" WEST, 77.58 FEET; THENCE NORTH 89°26'41" WEST, 16.90 FEET; THENCE NORTH 0°10'58" EAST; 50.00 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 2,755 SQUARE FEET.

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2. That the meeting of the City Council at which the sale and conveyance of the Property is to be considered shall be on February 8, 2010 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. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

4. The proceeds from the sale of this property will be deposited into the following account: Waveland Trail – 40th Street to 42nd Street, CP040, PKS990000.

Moved by Mahaffey to adopt

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

for

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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