



Roll Call Number

10-149

Agenda Item Number

48

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Date January 25, 2010

**HOLD HEARING FOR VACATION AND CONVEYANCE OF EXCESS CITY-OWNED  
PROPERTY ADJOINING 2080 KING AVENUE TO SUTTON HILL RESIDENTIAL  
COOPERATIVE FOR \$127,147**

**WHEREAS**, the City of Des Moines is the owner of excess real property located north of 2080 King Avenue, which property is legally described below, and a portion of which was dedicated as open public space; and

**WHEREAS**, Sutton Hill Residential Cooperative is the owner of property abutting said excess City-owned property and has offered to the City of Des Moines the purchase price of \$127,147 for the vacation of that portion of the property dedicated as open space and the purchase of such City-owned property more specifically described below, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, on January 11, 2010, by Roll Call No. 10-033, it was duly resolved by the City Council that the proposed vacation of open public space and conveyance of such City-owned property be set down for hearing on January 25, 2010, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate public open space and convey City-owned property 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 of public open space and conveyance of City-owned property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the City-owned property or open public space to be vacated and the public would not be inconvenienced by reason of the vacation of open public space, more specifically described as follows:

The North 135.0 feet of the East 1030.0 feet of Outlot X, Park Forest Plat No. 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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3. That the sale and conveyance of such City-owned property, more specifically described below, to Sutton Hill Residential Cooperative for \$127,147, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

The North 135.0 feet of the East 1030.0 feet of Outlot X, Park Forest Plat No. 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The South 14.0 feet of the West 923.0 feet of the East 958.0 feet of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 14, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance 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 open public space and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the 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.

6. 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.

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

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



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(Council Communication No. 10- 043 )

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

PCW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GRIESS         | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| MEYER          | ✓    |      |      |        |
| MOORE          | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

MOTION CARRIED

APPROVED

T. M. Franklin Council 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 Fauh City Clerk