

★ Roll Call Number
10-428

Agenda Item Number
14

Page 2

Date March 22, 2010

All of vacated Searle Street right-of-way lying West of and adjoining Lots 52 through 56, Allen Place, an Official Plat, and all of vacated State Avenue right-of-way lying North of and adjoining Lots 1 through 6, Ostend, an Official Plat, and lying North of and adjoining vacated Searle Street (Vacated by Ordinance No. 7608, passed February 5, 1968), 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 April 12, 2010, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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.

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

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

RM *Council Member Mahaffey declares a conflict of interest and abstains from voting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
* MAHAFFEY				
MEYER	✓			
MOORE	✓			
TOTAL	6			

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



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SET HEARING FOR VACATION AND CONVEYANCE OF STATE AVENUE FROM SEARLE STREET TO EAST 23RD STREET AND SEARLE STREET FROM STATE AVENUE TO FREDERICK M. HUBBELL AVENUE TO ANDERSON ERICKSON DAIRY CO. FOR \$30,786

WHEREAS, on February 8, 2010, by Roll Call No. 10-182, the City Council received a recommendation from the City Plan and Zoning Commission that State Avenue from Searle Street to East 23rd Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of the property abutting such rights-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 rights-of-way described below, in order to use such rights-of-way for the expansion of and incorporation into their existing site, which conveyance will be subject to reservation of a public access easement over the eastern portion of vacated State Avenue for access to the north/south alley, and which purchase price reflects the restricted fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no know current or future public need for the rights-of-way proposed to be sold and the City will not be inconvenienced by the sale of this property.

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 State Avenue from Searle Street to East 23rd Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue, more specifically described as follows:

All of Searle Street right-of-way lying West of and adjoining Lots 52 through 56, Allen Place, an Official Plat, and all of State Avenue right-of-way lying North of and adjoining Lots 1 through 6, Ostend, an Official Plat, and lying North of and adjoining vacated Searle Street (Vacated by Ordinance No. 7608, passed February 5, 1968), 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 rights-of-way, the City of Des Moines proposes to sell such rights-of-way, as described below, to the grantee and for the consideration identified below:

To: Anderson Erickson Dairy Co. for \$30,786