

★ Roll Call Number

10-505

Agenda Item Number

23

Dispositions: Page 1

Date April 12, 2010

**SET HEARING FOR THE VACATION AND CONVEYANCE OF A SMALL SEGMENT OF
STREET RIGHT-OF-WAY LYING SOUTH OF BUCHANAN STREET
AND WEST OF PENNSYLVANIA AVENUE TO
DIVINE TEMPLE CHURCH OF GOD IN CHRIST FOR \$500.00**

WHEREAS, on October 26, 2009, by Roll Call No. 09-1915, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of City right-of-way lying south of Buchanan Street and west of Pennsylvania Avenue, hereinafter more fully described, be vacated and sold; and

WHEREAS, Divine Temple Church of God in Christ is the owner of property abutting such right-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 right-of-way described below, in order to use such right-of-way for an off-street parking lot and incorporation with their existing site, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for such right-of-way and the City will not be inconvenienced by the vacation or sale of said 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 a portion of City right-of-way lying south of Buchanan Street and west of Pennsylvania Avenue, more specifically described as follows:

That part of Lots 9, 10, and 11 of MARY T SMITH'S SUBDIVISION, of Lot 7 of Dean's Subdivision of Out Lots, an Official Plat, lying South of the easterly extension of the south right-of-way line of Buchanan Street, as presently established, all in Section 3, Township 78 North, Range 24 West of the Fifth Principal Meridian, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and more particularly described as follows:

Beginning at the southeast corner of the acquisition plat for the south right-of-way of Buchanan Street recorded in Book 9092, Page 94; thence easterly along the southerly line of said acquisition plat extended 12.0 feet; thence southeasterly to a point on the south lot line of said Lot 9, being 102.0 feet east of the west lot line of said Lot 9; thence southwesterly to a point 55.0 feet east of the west lot line of said Lot 11, said point being 10.0 feet north of the south lot line of said Lot 11; thence westerly 30.0 feet parallel with the south lot line of said Lot 11 to a point 25.0 feet east of the west lot line of said Lot 11; thence northeasterly 123.68 feet to the point of beginning.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way, as described below to the grantee and for the consideration identified below:

Date April 12, 2010

To: DIVINE TEMPLE CHURCH OF GOD IN CHRIST for \$500.00

The vacated part of Lots 9, 10, and 11 of MARY T SMITH'S SUBDIVISION, of Lot 7 of Dean's Subdivision of Out Lots, an Official Plat, lying South of the easterly extension of the south right-of-way line of Buchanan Street, as presently established, all in Section 3, Township 78 North, Range 24 West of the Fifth Principal Meridian, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and more particularly described as follows:

Beginning at the southeast corner of the acquisition plat for the south right-of-way of Buchanan Street recorded in Book 9092, Page 94; thence easterly along the southerly line of said acquisition plat extended 12.0 feet; thence southeasterly to a point on the south lot line of said Lot 9, being 102.0 feet east of the west lot line of said Lot 9; thence southwesterly to a point 55.0 feet east of the west lot line of said Lot 11, said point being 10.0 feet north of the south lot line of said Lot 11; thence westerly 30.0 feet parallel with the south lot line of said Lot 11 to a point 25.0 feet east of the west lot line of said Lot 11; thence northeasterly 123.68 feet to the point of beginning.

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 26, 2010, said meeting to be held at 5:00 p.m., in the Council Chamber.
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.

APPROVED AS TO FORM:

Moved by Coleman to adopt.

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

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