

★ Roll Call Number

10-638

Agenda Item Number

54

Date April 26, 2010

Page 1

**HOLD HEARING FOR CONVEYANCE OF THE VACATED EAST/WEST ALLEY RIGHT-
OF-WAY LYING NORTH OF 2 9TH STREET TO POLK COUNTY FOR \$1**

WHEREAS, the City of Des Moines owns real property located north of 2 9th Street ("Property"), more particularly described below; and

WHEREAS, on April 26, 1993, by Roll Call No. 93-1569, the City Council passed Ordinance No. 11,975 vacating the Property; and

WHEREAS, Polk County is the owner of property abutting said City-owned Property, and has offered to the City of Des Moines the purchase price of \$1, in accordance with Iowa Code Section 364.7(3), for the purchase of such Property to incorporate into adjoining property for the public purpose of providing needed transitional housing in order to preserve and improve the safety, health and welfare of the City's residents; 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; and

WHEREAS, on April 12, 2010, by Roll Call No. 10- 502, it was duly resolved by the City Council that the proposed conveyance of such Property be set down for hearing on April 26, 2010, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey such Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed 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 the proposed conveyance of public property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the Property described below and the public would not be inconvenienced by reason of the conveyance of this Property located north of 2 9th Street, more specifically described as follows:

All of the vacated East/West alley right-of-way, Block 14, H. M. Hoxie's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 11,975, passed April 26, 1993)

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3. That the sale and conveyance of such City-owned Property to Polk County for \$1, in accordance with Iowa Code Section 364.7(3) for the public purpose of providing transitional housing, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this 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 Deed and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of this Property.

(Council Communication No. 10- 220)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
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