

★ Roll Call Number

10-808

Agenda Item Number

24

Date May 24, 2010

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**SET HEARING FOR VACATION AND CONVEYANCE OF BOYD STREET FROM EAST 14<sup>TH</sup> STREET TO A DEAD END POINT 328 FEET TO THE EAST, TO GRAND VIEW UNIVERSITY FOR \$32,800**

**WHEREAS**, on April 26, 2010, by Roll Call No. 10-602, the City Council received a recommendation from the City Plan and Zoning Commission that Boyd Street from East 14<sup>th</sup> Street to a dead end point 328 feet to the East, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, Grand View University is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price of \$32,800 for the vacation and purchase of such right-of-way described below, in order to use such right-of-way for the expansion of and incorporation into their existing site, which 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 the right-of-way proposed to be sold and the City will not be inconvenienced by the 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 Boyd Street from East 14<sup>th</sup> Street to a dead end point 328 feet to the East, more specifically described as follows:

All of Boyd Street right-of-way lying north of and adjoining Lots 15 through 20, Wood & Bell's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The east line of the above-described right-of-way shall be coincident with the west line of property described in the Quit Claim Deed filed in Book 12036, Pages 2 through 9 in the office of the Polk County Recorder, Polk County, Iowa.

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:

To: Grand View University for \$32,800

All of vacated Boyd Street right-of-way lying north of and adjoining Lots 15 through 20, Wood & Bell's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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The east line of the above-described right-of-way shall be coincident with the west line of property described in the Quit Claim Deed filed in Book 12036, Pages 2 through 9 in the office of the Polk County Recorder, 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 June 14, 2010, said meeting to be held at 5:00 p.m., in the Council Chamber.
4. That the Chief Deputy City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 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

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

*rw*

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

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.

T. M. Franklin Mayor

Diane Rauh City Clerk