

★ Roll Call Number

10-899

Agenda Item Number

21

Date June 14, 2010

**SET HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY  
LOCATED AT 405 SE 8<sup>TH</sup> STREET TO JESSE AND MARJORIE L. CORTEZ  
BY LAND EXCHANGE**

**WHEREAS**, on November 26, 1990, the City of Des Moines acquired real property located at 405 SE 8<sup>th</sup> Street for corridor preservation for the SE Connector Project, which property is legally described below and is 3920 square feet in area with an approximate value of \$8,000 as determined by the City's Real Estate Division, and the City of Des Moines also owns property to the south located at 413 SE 8<sup>th</sup> Street which is part of the SE Connector right-of-way; and

**WHEREAS**, on April 25, 2005, by Roll Call No. 05-969, the City Council provided authorization to proceed with the acquisition of the necessary right-of-way and easements for the SE Connector Project from Southeast 2<sup>nd</sup> Street to Southeast 14<sup>th</sup> Street; and

**WHEREAS**, Jesse Cortez and Marjorie L. Cortez are the owners of property located at 407 SE 8<sup>th</sup> Street in between and adjoining both above-stated City-owned properties, the south half of which is 3920 square feet in area with an approximate value of \$8,000 as determined by the City's Real Estate Division; and

**WHEREAS**, City staff and Jesse and Marjorie Cortez have negotiated a land exchange by which the City will convey 405 SE 8<sup>th</sup> Street to the Cortez' for incorporation into their existing property in exchange for the Cortez' conveyance to the City of the south half of the property locally known as 407 SE 8<sup>th</sup> Street, which is required for the SE Connector Project; and

**WHEREAS**, the properties to be exchanged are equal in value, the City has no current or anticipated public need for the property locally known as 405 SE 8<sup>th</sup> Street to be conveyed to Jesse and Marjorie Cortez and will not be inconvenienced by the sale of said property, and the City will be benefited by the acquisition of the south half of the property locally known as 407 SE 8<sup>th</sup> Street, which is required for the SE Connector Project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City of Des Moines, Iowa proposes to convey real property located at 405 SE 8<sup>th</sup> Street, more specifically described below, to Jesse Cortez and Marjorie L. Cortez in exchange for acquisition of the south half of the real property locally known as 407 SE 8<sup>th</sup> Street as required by the City of Des Moines for the SE Connector Project – SE 6<sup>th</sup> to SE 14<sup>th</sup> Street.

Legal Description of 405 SE 8<sup>th</sup> Street:

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The North 1/2 of Lot 2, Block 40, Town of Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

- A public hearing shall be held on June 28, 2010 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above described proposal and any other(s) submitted prior to or during the public hearing.
- The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

PSW

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

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

MOTION CARRIED APPROVED  
T. M. Franklin Mayor