

★ Roll Call Number

10-1062

Agenda Item Number

44

Date June 28, 2010

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY
LOCATED AT 405 SE 8TH 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 8th 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 8th 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 2nd Street to Southeast 14th Street; and

WHEREAS, Jesse Cortez and Marjorie L. Cortez are the owners of property located at 407 SE 8th 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 8th 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 8th 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 8th 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 8th Street, which is required for the SE Connector Project; and

WHEREAS, on June 14, 2010, by Roll Call No. 10-899, it was duly resolved by the City Council that the proposed conveyance of excess City-owned property by land exchange to Jesse and Marjorie L. Cortez be set down for hearing on June 28, 2010, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to convey excess City-owned property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said 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 said proposed conveyance of City-owned property described below are hereby overruled and the hearing is closed.

2. That the conveyance of real property located at 405 SE 8th 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 8th Street as required by the City of Des Moines for the SE Connector Project – SE 6th to SE 14th Street, be and is hereby approved:

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Legal Description of 405 SE 8th Street:

The North ½ 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

3. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the said 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.
5. 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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.

(Council Communication No. 10-400)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

RSN

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