

★ Roll Call Number

10-1245

Agenda Item Number

Ex. 1A

Page 1

Date July 26, 2010

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF 13TH STREET NORTH OF KEOSAUQUA WAY TO THE STATE OF IOWA, AND CONVEYANCE OF PREVIOUSLY VACATED 13TH STREET FROM KEOSAUQUA WAY TO SCHOOL STREET AND THE NORTH/SOUTH ALLEY WEST OF 13TH STREET FROM SCHOOL STREET TO KEOSAUQUA WAY TO THE STATE OF IOWA

WHEREAS, on January 26, 2009, by Roll Call No. 09-0888, the City Council received a recommendation from the City Plan and Zoning Commission that 13th Street right-of-way from Keosauqua Way to School Street and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way, hereinafter more fully described, be vacated and sold; and

WHEREAS, on March 9, 2009, by Roll Call No. 09-409, the City Council passed Ordinance No. 14,841 vacating 13th Street right-of-way from Keosauqua Way to School Street and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way; and

WHEREAS, due to a scrivener's error, the legal description in said Ordinance did not include a small portion of 13th Street right-of-way, more specifically described below, which portion is of no current benefit to the public and now needs to be vacated; and

WHEREAS, in accordance with the Settlement Agreement approved on July 26, _____, 2010 by Roll Call No. 10-1244 and in accordance with Iowa Code Section 364.7(3), the State of Iowa has requested the vacation and conveyance of such right-of-way and the conveyance of the City-owned property previously vacated by Ordinance No. 14,841, all as described below, in order to use such right-of-way for the public purpose of expansion of and incorporation into their existing site; and

WHEREAS, there is no known current or future need of the City for the real property proposed to be vacated and sold and the City will not be inconvenienced by the vacation and conveyance 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 that portion of 13th Street right-of-way lying north of Keosauqua Way and south of previously vacated 13th Street right-of-way, more specifically described as follows:

ALL THAT PART OF 13TH STREET RIGHT-OF-WAY, AS PRESENTLY ESTABLISHED, LYING NORTH OF KEOSAUQUA WAY, AS PRESENTLY ESTABLISHED, AND LYING WEST OF LOT 7, BLOCK 7 OF GRASS ROOTS 1, AN OFFICIAL PLAT, AND LYING SOUTH OF THAT PART OF 13TH STREET RIGHT-OF-WAY PREVIOUSLY VACATED BY THE CITY OF DES MOINES UNDER

★ Roll Call Number
10-1245

Agenda Item Number
EX. 1A

Page 2

Date July 26, 2010

ORDINANCE NO. 14,841 AND RECORDED IN THE OFFICE OF THE POLK COUNTY RECORDER UNDER BOOK 13017, PAGES 88 THROUGH 92, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, 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 convey such right-of-way and the City-owned property previously vacated by Ordinance No. 14,841, all as described below, to the State of Iowa:

ALL THAT PART OF VACATED 13TH STREET RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING LOTS 11, 12, 13 AND 14, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 10, OF SAID JONES SUBDIVISION.

AND

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY, AS IT NOW EXISTS, LYING WEST OF AND ADJOINING THE SOUTH 26.0 FEET OF LOT 1, JONES SUBDIVISION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING LOT 82, KEOSAUQUA WAY PLAT 3, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE NORTH 8.0 FEET OF LOT 81, OF SAID KEOSAUQUA WAY PLAT 3, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

(Vacated by Ordinance No. 14,841, passed March 9, 2009.)

AND

ALL THAT PART OF 13TH STREET RIGHT-OF-WAY, AS PRESENTLY ESTABLISHED, LYING NORTH OF KEOSAUQUA WAY, AS PRESENTLY ESTABLISHED, AND LYING WEST OF LOT 7, BLOCK 7 OF GRASS ROOTS 1, AN OFFICIAL PLAT, AND LYING SOUTH OF THAT PART OF 13TH STREET RIGHT-OF-WAY PREVIOUSLY VACATED BY THE CITY OF DES MOINES UNDER ORDINANCE NO. 14,841 AND RECORDED IN THE OFFICE OF THE POLK COUNTY RECORDER UNDER BOOK 13017, PAGES 88 THROUGH 92, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, 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 August 9, 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. There will be no proceeds associated with the conveyance of this property.

★ Roll Call Number
10-1245

Agenda Item Number
Ex. 1A

Date July 26, 2010

Moved by Hensley to adopt.

Sponsor: Council Member Hensley

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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

T. M. Franklin Council 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