

Date March 14, 2011

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF
MORTON AVENUE EAST OF AND INCLUDING A PORTION OF IDAHO STREET
TO GRAND VIEW UNIVERSITY FOR \$12,150.00**

WHEREAS, on February 14, 2011, by Roll Call No. 11-0209, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of Morton Avenue east of and including a portion of Idaho Street, hereinafter more fully described, be vacated and sold, subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements; and

WHEREAS, Grand View University is the owner of property abutting said City-owned right-of-way and has offered to the City of Des Moines the purchase price of \$12,150.00 for the purchase of such property for expansion and incorporation with its existing site, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, on February 28, 2011, by Roll Call No. 11-0354, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on March 14, 2011, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way 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 vacation and 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for or benefit from the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a portion of Morton Avenue from and including a segment of Idaho Street to the east, more specifically described as follows:

All those parts of Lot A (Morton Avenue) and Lot B (Idaho Street) of Ball Park Heights, an official plat, lying east of the northerly extension of the west line of Lot 10 of said Ball Park Heights, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. The proposed sale of such vacated right-of-way to the grantee and for the consideration as described below, subject to the reservation of easements for public utilities in place to remain until such time as grantee either assumes private ownership of the facilities or relocates the utilities with creation of new public easements, is hereby approved:

★ **Roll Call Number**
11-0454

Agenda Item Number
34

Dispositions: Page 2

Date March 14, 2011

To: Grand View University for \$12,150.00

All those vacated parts of Lot A (Morton Avenue) and Lot B (Idaho Street) of Ball Park Heights, an official plat, lying east of the northerly extension of the west line of Lot 10 of said Ball Park Heights, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, 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.

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.

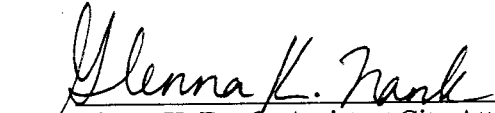
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.

8. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 11-148)

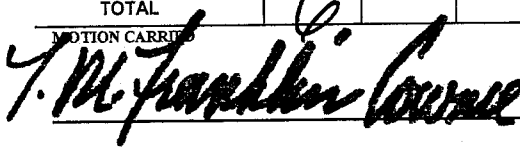
Moved by Moore to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank, Assistant City Attorney

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

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


 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