

★ Roll Call Number  
11-0580

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Date April 11, 2011

**SET HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCATED ON THE NORTH SIDE OF PLEASANT DRIVE, WEST OF 56<sup>TH</sup> STREET, TO R. M. MADDEN CONSTRUCTION, INC. FOR \$28,633**

**WHEREAS**, the City of Des Moines owns real property located on the north side of Pleasant Drive, west of 56<sup>th</sup> Street ("Property"), more particularly described below, originally acquired from the Iowa Department of Transportation for the Waveland Trail – Phase I Project; and

**WHEREAS**, on April 9, 2010, this Property was bid to prospective developers and adjoining property owners for single family residential development; and

**WHEREAS**, R. M. Madden Construction, Inc. has offered to the City of Des Moines the purchase price of \$28,633 for the purchase of such City-owned Property for residential development, which conveyance will be subject to a Permanent Storm Sewer Easement and Permanent Easement for Storm Water and Surface Water Flowage over a portion of the Property as well as a restriction requiring that the housing design be consistent with existing architecture in the neighborhood, and which price reflects the fair market value of the Property as encumbered by said easements and restriction as determined by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the Property 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, that:

1. The City Council of the City of Des Moines, Iowa proposes to sell the following described Property located on the north side of Pleasant Drive, west of 56<sup>th</sup> Street, more specifically described and for the consideration identified below:

To: R. M. Madden Construction, Inc. for \$28,633

A PART OF LOTS 6 AND 7, ASHWORTH OAKS PLAT 2, AN OFFICIAL PLAT, AND A PART OF LOT 6, ASHWORTH OAKS PLAT 5, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, OF SAID ASHWORTH OAKS PLAT 2; THENCE NORTH 00° (DEGREES) 02' (MINUTES) 26" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 140.31 FEET; THENCE NORTH 00° 16' 44" EAST, 101.47 FEET; THENCE NORTH 14°11' 48" EAST, 74.61 FEET; THENCE NORTH 82° 33' 27" EAST, 13.10 FEET; THENCE SOUTHEASTERLY ALONG A 80.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, WITH A CENTRAL ANGLE OF 126° 15' 56", A CHORD DISTANCE OF 142.73 FEET, AND A CHORD BEARING OF SOUTH 34° 18' 36" EAST, FOR AN ARC DISTANCE OF 176.30 FEET; THENCE SOUTH 28° 49' 21" WEST, 18.00 FEET; THENCE SOUTHERLY ALONG A 120.00 FOOT RADIUS CURVE CONCAVE

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EASTERLY, WITH A CENTRAL ANGLE OF 76° 37' 04", A CHORD DISTANCE OF 148.78 FEET, AND A CHORD BEARING OF SOUTH 09° 29' 11" EAST, FOR AN ARC DISTANCE OF 160.47 FEET; THENCE SOUTH 00° 02' 26" EAST, 36.29 FEET; THENCE NORTH 89° 35' 41" WEST, 128.00 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING BY SURVEY 32,847 SQUARE FEET OR 0.75 ACRES.

2. A public hearing shall be held on April 25, 2011, 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.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. The proceeds from the sale of this Property shall be deposited into the following account: 2011-2012 CIP, Page Park Improvements – 17, Recreation Trails, PKS045.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney

*RM*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER				✓
MOORE	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

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