

★ Roll Call Number
11-0830

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Date May 9, 2011

HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR SHAPED SEGMENT OF GRAND AVENUE RIGHT-OF-WAY AT THE INTERSECTION WITH FLEUR DRIVE, DIRECTLY ADJOINING 1800 GRAND AVENUE, TO THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR \$1

WHEREAS, on February 14, 2011, by Roll Call No. 11-0170, the City Council authorized City participation in traffic safety and student drop-off area improvements for the Downtown School being relocated to the Central Campus at 1800 Grand Avenue; and

WHEREAS, said resolution further authorized negotiation and agreement between the City and the Des Moines Independent Community School District (a/k/a Des Moines Public Schools) by which the School District will pay for the design of improvements (except pedestrian and traffic signal improvements) and construction of improvements inside the sidewalk, at an estimated cost of \$132,000, and in exchange and for consideration thereof the City will pay for the cost of constructing the new curb, sidewalk, and modifications to the storm sewer, pedestrian crossings and traffic signals, at an estimated cost of \$100,000, and will also provide excess right-of-way to the School District; and

WHEREAS, on April 25, 2011, by Roll Call No. 11-0679, the City Council received the recommendation from the Plan and Zoning Commission that an irregular shaped segment of Grand Avenue right-of-way at the intersection with Fleur Drive, directly adjoining 1800 Grand Avenue, hereinafter more fully described, be vacated and conveyed to the Des Moines Independent Community School District, adjoining owner, in accordance with the above-referenced agreement; and

WHEREAS, on April 25, 2011, by Roll Call No. 11-0678, 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 May 9, 2011, at 5:00 p.m., in the Council Chamber; and

WHEREAS, there is no known current or future public need for the right-of-way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said property, subject to and contingent upon execution of the final agreement between the City and the School District by both parties thereto; 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:

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.

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2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of an irregular shaped segment of Grand Avenue right-of-way at the intersection with Fleur Drive, directly adjoining 1800 Grand Avenue, more specifically described as follows:

AN IRREGULARLY SHAPED PORTION OF GRAND AVENUE STREET RIGHT-OF-WAY LOCATED IN LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 331.40 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID POINT BEING 177.07 FEET EAST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF PARCEL B IN SAID LOT 2 RECORDED IN POLK COUNTY RECORDER BOOK 7746 ON PAGE 98; THENCE, N00°00'00"E A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID LOT 2 (ASSUMED BEARING OF THE NORTH LINE OF SAID LOT 2 FOR THE PURPOSE OF THIS PLAT OF SURVEY) A DISTANCE OF 61.73 FEET; THENCE, S88°50'12"E A DISTANCE OF 40.30 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 139.74 FEET, SAID CURVE HAVING A CHORD BEARING OF S71°02'41"E AND A CHORD LENGTH OF 137.50 FEET; THENCE, SOUTHEASTERLY ALONG A 299.89 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 14.58 FEET, SAID CURVE HAVING A CHORD BEARING OF S51°51'37"E AND A CHORD LENGTH OF 14.57 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 146.10 FEET, SAID CURVE HAVING A CHORD BEARING OF S31°51'59"E AND A CHORD LENGTH OF 143.54 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 120.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 39.20 FEET, SAID CURVE HAVING A CHORD BEARING OF N29°22'27"W AND A CHORD LENGTH OF 39.03 FEET; THENCE, N39°30'00"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 66.45 FEET; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 231.11 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 203.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N64°45'00"W AND A CHORD LENGTH OF 197.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE WHICH IS 251.77 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 2; THENCE, N90°00'00"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID

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GRAND AVENUE A DISTANCE OF 79.57 FEET TO THE POINT OF BEGINNING.
(AREA = 4,092.09 SQUARE FEET, MORE OR LESS)

3. That the sale and conveyance of such right-of-way to the Des Moines Independent Community School District be and is hereby approved, subject to and contingent upon execution of the final agreement between the City and the School District by both parties thereto:

AN IRREGULARLY SHAPED PORTION OF VACATED GRAND AVENUE STREET RIGHT-OF-WAY LOCATED IN LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 331.40 FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 2 IN THE OFFICIAL PLAT OF THE NE1/4 OF SEC 8 T78 R24 NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID POINT BEING 177.07 FEET EAST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF PARCEL B IN SAID LOT 2 RECORDED IN POLK COUNTY RECORDER BOOK 7746 ON PAGE 98; THENCE, N00°00'00"E A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID LOT 2 (ASSUMED BEARING OF THE NORTH LINE OF SAID LOT 2 FOR THE PURPOSE OF THIS PLAT OF SURVEY) A DISTANCE OF 61.73 FEET; THENCE, S88°50'12"E A DISTANCE OF 40.30 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 139.74 FEET, SAID CURVE HAVING A CHORD BEARING OF S71°02'41"E AND A CHORD LENGTH OF 137.50 FEET; THENCE, SOUTHEASTERLY ALONG A 299.89 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 14.58 FEET, SAID CURVE HAVING A CHORD BEARING OF S51°51'37"E AND A CHORD LENGTH OF 14.57 FEET; THENCE, SOUTHEASTERLY ALONG A 225.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY A DISTANCE OF 146.10 FEET, SAID CURVE HAVING A CHORD BEARING OF S31°51'59"E AND A CHORD LENGTH OF 143.54 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 120.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 39.20 FEET, SAID CURVE HAVING A CHORD BEARING OF N29°22'27"W AND A CHORD LENGTH OF 39.03 FEET; THENCE, N39°30'00"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 66.45 FEET; THENCE, NORTHWESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID GRAND AVENUE AND ALONG A 231.11 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY A DISTANCE OF 203.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N64°45'00"W AND A CHORD LENGTH OF 197.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE WHICH IS 251.77

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FEET WEST AND 7.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 2; THENCE, N90°00'00"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE A DISTANCE OF 79.57 FEET TO THE POINT OF BEGINNING. (AREA = 4,092.09 SQUARE FEET, MORE OR LESS)

4. Following execution of the final agreement between the City and the School District by both parties thereto, 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.

5. Upon final passage of an ordinance vacating the said right-of-way, 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. There are no proceeds associated with the conveyance of this real property.

Moved by Hensley to adopt.

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			
MOTION CARRIED				APPROVED

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