

12-0083

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Date January 23, 2012

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF EAST HARTFORD AVENUE RIGHT-OF-WAY ADJOINING 1938 SE 6<sup>TH</sup> STREET TO NEIGHBORHOOD DEVELOPMENT CORPORATION (NDC) FOR \$3,100

WHEREAS, on January 9, 2012, by Roll Call No. 12-0028, the City Council received the recommendation from the Plan and Zoning Commission that an irregularly shaped segment of East Hartford Avenue right-of-way adjoining the real property locally known as 1938 SE 6<sup>th</sup> Street, hereinafter more fully described, be vacated and conveyed to Neighborhood Development Corporation (NDC), subject to reservation of easements for all public utilities in place; and

WHEREAS, NDC is the owner of 1938 SE 6<sup>th</sup> Street, and has offered to the City of Des Moines the purchase price of \$3,100 for the purchase of the City right-of-way more specifically described below for incorporation with mixed-use redevelopment of the adjoining property, subject to reservation of public utilities in place across the right-of-way, which price reflects the encumbered fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit 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.

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 an irregularly shaped segment of East Hartford Avenue right-of-way adjoining 1938 SE 6<sup>th</sup> Street, more specifically described as follows:

PARCEL "E" BEING A PART OF THE EAST HARTFORD AVENUE RIGHT-OF-WAY IS DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 10, T78N, R24W OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA; THENCE, N00°11'38"W ALONG THE WEST LINE OF SOUTHEAST 1/4 OF SAID SECTION 10 A DISTANCE OF 39.80 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING N00°11'38"W ALONG THE WEST LINE OF SOUTHEAST 1/4 OF SAID SECTION 10 A DISTANCE OF 26.02 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST HARTFORD AVENUE AND TO THE SOUTHWEST CORNER OF LOT 3 IN SEVASTOPOL, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE, S89°57'03"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID EAST HARTFORD AVENUE A DISTANCE OF 119.50 FEET; THENCE, SOUTHWESTERLY ALONG A 356.01 FOOT RADIUS CURVE CONCAVE SOUTHERLY A DISTANCE OF 122.80 FEET, SAID CURVE HAVING A CHORD BEARING OF S77°45'19"W AND A CHORD LENGTH OF 122.19 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,127 SQUARE FEET, MORE OR LESS.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way to the Neighborhood Development Corporation for \$3,100, subject to easement reservation.

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3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such real estate is to be considered shall be on February 13, 2012, 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 Section 362.3 of the Iowa Code.

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

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL. Includes signature of 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