

★ Roll Call Number

12-1165

Agenda Item Number

22

Date July 23, 2012

SET HEARING FOR CONVEYANCE OF A VACATED DEAD END SEGMENT OF MERCED DRIVE AND A VACATED DEAD END SEGMENT OF 30TH STREET ADJOINING 2996 MERCED DRIVE TO MICHAEL R. AND MARLENE L. EMERY FOR \$200

WHEREAS, on October 11, 2010, by Roll Call Nos. 10-1684 and 10-1686, City Council approved and adopted Ordinance No. 14,964 vacating a dead end segment of Merced Drive and a dead end segment of 30th Street running south of Merced Drive ("Property"), as legally described below, subject to the City Plan and Zoning Commission recommendation that said vacation be subject to reservation of easements for all utilities in place and reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn Park to the west at such time as it may be developed, and for access to underground utilities; and

WHEREAS, Michael R. and Marlene L. Emery are the owners of 2996 Merced Drive adjoining said Property and have offered to the City of Des Moines the purchase price of \$200.00 for the purchase of such City-owned property, which price reflects the 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 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 vacated dead end segment of Merced Drive and vacated dead end segment of 30th Street adjoining 2996 Merced Drive, Des Moines, as more specifically described and to the grantees and for the consideration identified below, subject to reservation of easements as described above and in the City Plan and Zoning Commission recommendation:

To: Michael R. Emery and Marlene L. Emery

For: \$200.00

Legal Description:

THE VACATED WEST 64.00 FEET OF STREET LOT D (MERCED DRIVE), AND ALL OF VACATED STREET LOT E (30TH STREET) [AS VACATED BY ORDINANCE NO 14,964, ON OCTOBER 11, 2010 ROLL CALL NO. 10-1686], SAWYER'S LANDING, PLAT 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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2. A public hearing shall be held on August 13, 2012 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: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSW

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