



Roll Call Number

12-14 12

Agenda Item Number

15A

Date September 10, 2012

SET HEARING FOR VACATION AND CONVEYANCE OF EXCESS CITY-OWNED PROPERTY AT THE NORTHEAST CORNER OF EAST PARK AVENUE AND SE 20<sup>TH</sup> STREET TO PARK FOREST RESIDENTIAL COOPERATIVE FOR \$12,000

WHEREAS, on September 10, 2012, by Roll Call No. \_\_\_\_\_, the City Council of the City of Des Moines received the recommendation from the City Plan and Zoning Commission that excess City-owned real property granted to the City for public open space and storm sewer retention purposes and located at the northeast corner of East Park Avenue and SE 20<sup>th</sup> Street ("Property"), hereinafter more fully described, be vacated to remove public usage restrictions, subject to certain conditions and easement reservations; and

WHEREAS, Park Forest Residential Cooperative is the owner of the properties locally known as 2001 and 2101 East Virginia Avenue that abut such Property, and has offered to the City of Des Moines the purchase price of \$12,000 for the vacation and purchase of such Property for incorporation with surrounding properties for side yard use, subject to restrictions prohibiting building upon and development of the Property, which purchase price reflects the restricted fair market value of the Property as determined by an independent appraisal; and

WHEREAS, there is no know current or future public need or benefit for the excess City-owned property proposed to be sold and the City will not be inconvenienced by the vacation and sale 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 excess City-owned property located at the northeast corner of East Park Avenue and SE 20<sup>th</sup> Street, more specifically described as follows:

OUTLOT Z, PARK FOREST PLAT NO. 1, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council decides to vacate the above-described Property, the City of Des Moines proposes to sell such Property to Park Forest Residential Cooperative, subject to the restrictions stated above and other conditions set forth in the Plan and Zoning recommendation, for the consideration of \$12,000.

3. That the meeting of the City Council at which the adoption of said ordinance and the vacation and conveyance of such real estate is to be considered shall be on September 24, 2012, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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.

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

Moved by \_\_\_\_\_ 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				
MOTION CARRIED			APPROVED	
_____ 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.

\_\_\_\_\_ City Clerk