

★ Roll Call Number

13-00216

✓
Agenda Item Number

17

Date January 14, 2013

**SET HEARING FOR CONVEYANCE OF A PORTION OF PROPERTY LOCATED AT
1823 RACCOON STREET TO DUANE E. SABIN AND KATHLEEN R. SABIN FOR \$8,900.00**

WHEREAS, on October 25, 2010, by Roll Call No. 1786, the City Council of the City of Des Moines authorized the acquisition of the necessary right-of-way for a portion of the Southeast Connector Project; and

WHEREAS, on October 17, 2012 the City of Des Moines closed on the purchase of real property locally known as 1823 Raccoon Street from Midwest Automatic Fire Sprinkler Company for the Southeast Connector Project, and City staff have negotiated an acquisition settlement for real property interests needed for the Project from Duane Sabin, owner of the real property locally known as 423 SE 18th Street which is located immediately south of and adjoining 1823 Raccoon Street; and

WHEREAS, the City Engineer has determined that a portion of 1823 Raccoon Street as acquired from Midwest Automatic Fire Sprinkler Company is not needed for construction or right-of-way purposes for the Southeast Connector Project and may be declared excess City-owned property; and

WHEREAS, Duane E. and Kathleen R. Sabin have offered to the City of Des Moines the purchase price of \$8,900.00 for the purchase of a fee simple interest in said excess portion of the City-owned real property locally known as 1823 Raccoon Street, which excess portion is legally described below, as part of the property acquisition settlement and for the purpose of incorporating this excess property into the Sabins' adjoining real property, which purchase 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 or benefit 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, as follows:

1. That the City of Des Moines proposes to sell the excess portion of the City-owned real property locally known as 1823 Raccoon Street, as specifically described below, to Duane E. Sabin and Kathleen R. Sabin for \$8,900.00:

A PORTION OF LOT 65, AND A PORTION OF THE VACATED RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD LYING SOUTH OF AND ADJOINING LOT 65, ALL IN CHARTER OAK ADDITION, AN OFFICIAL PLAT TO THE CITY OF DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 65; THENCE SOUTH 00° (DEGREES) 27' (MINUTES) 54" (SECONDS) WEST, 37.85 FEET ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 65; THENCE NORTH 71°32'50" WEST, 213.11 FEET; THENCE NORTH 81°56'44" EAST, 33.19 FEET; THENCE NORTH 90°00'00" EAST, 169.88 FEET TO THE EAST LINE OF SAID LOT 65; THENCE SOUTH 00°27'54" WEST, 34.26 FEET ON THE EAST LINE OF SAID LOT 65 TO THE POINT OF BEGINNING, CONTAINING 0.18 ACRES (7,703 SQUARE FEET) MORE OR LESS.

2. That a public hearing will be held on January 28, 2013, 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.

★ Roll Call Number
13-0026

Agenda Item Number
17

Date January 14, 2013

3. 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.
4. The proceeds from the sale of this property shall be deposited into the following account: 2012-13 CIP, Street Improvements - Page 36, SE Connector – SE 14th Street to SE 30th Street, STR 249.

Moved by Moore 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