

★ Roll Call Number

Agenda Item Number

13-0205

27

Dispositions: Page 1

Date February 11, 2013

**SET HEARING FOR THE VACATION AND CONVEYANCE OF THE EAST 12 FEET OF
EAST 33RD STREET RIGHT OF WAY FROM VACATED THOMPSON AVENUE
TO A POINT 282 FEET TO THE NORTH, TO
ST. JOSEPH'S CHURCH OF DES MOINES, POLK COUNTY, IOWA FOR \$350**

WHEREAS, on December 3, 2012, by Roll Call No. 12-1832, the City Council received a recommendation from the City Plan and Zoning Commission that the east 12 feet of East 33rd Street from vacated Thompson Avenue to a point 282 feet north of said vacated Thompson Avenue, hereinafter more fully described, be vacated; and

WHEREAS, St. Joseph's Church Of Des Moines, Polk County, Iowa, is the owner of the real property abutting such right-of-way, and has offered to the City of Des Moines the purchase price of \$350.00 for the vacation and purchase of the fee simple interest in such excess right-of-way as legally described below, for expansion and construction of a parking lot, 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 right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said excess right-of-way.

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 the east 12 feet of East 33rd Street from vacated Thompson Avenue to a point 282 feet to the north, more specifically described as follows:

THE EAST 12 FEET OF EAST 33RD STREET RIGHT OF WAY LYING WEST OF AND ADJOINING VACATED THOMPSON AVENUE AND LYING WEST OF AND ADJOINING LOTS 1074-1077 IN FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 3855 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such vacated right-of-way, as described below, to St. Joseph's Church of Des Moines, Polk County, Iowa for \$350.00:

ALL THAT PART OF THE VACATED EAST 12 FEET OF EAST 33RD STREET RIGHT OF WAY LYING WEST OF AND ADJOINING VACATED THOMPSON AVENUE AND LYING WEST OF AND ADJOINING LOTS 1074-1077 IN FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 3855 SQUARE FEET.

★ Roll Call Number

13-0205

Agenda Item Number

27

Dispositions: Page 2

Date February 11, 2013

3. That a public hearing will be held on February 25, 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 proposals and any other(s) submitted prior to or during the public hearing.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposals 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: \$350 Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

POW

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

MOTION CARRIED 7 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