

★ Roll Call Number

13-0399

Agenda Item Number

20

Date March 11, 2013

**SET HEARING FOR CONVEYANCE OF PROPERTY PURCHASED FOR THE  
EUCLID AVENUE INTERSECTION IMPROVEMENTS PROJECT TO  
THE STATE OF IOWA, FOR THE BENEFIT AND USE OF THE  
IOWA DEPARTMENT OF TRANSPORTATION (IDOT)**

**WHEREAS**, on September 13, 2010, by Roll Call No. 10-1438, the City Council approved and authorized the execution of Iowa Department of Transportation Agreements for Euclid Avenue Intersection Improvements (Agreement Nos. 2011-TS-019, 2011-TS-020 and 2011-TS-021); and

**WHEREAS**, on May 23, 2011, by Roll Call No. 11-0883, the City Council authorized acquisition of the necessary right-of-way and easements for the Euclid Avenue Intersection Improvements Project by gift, negotiation, or condemnation; and

**WHEREAS**, in order to effectuate the IDOT agreements, it is necessary for the City of Des Moines to transfer public road jurisdiction and convey certain right-of-way acquired by the City for the Project, as described below, by Quit Claim Deed to the State of Iowa, for the benefit and use of the IDOT, in accordance with Sections 306.42 and 364.7(3) of the Iowa Code.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City of Des Moines, Iowa proposes to transfer public road jurisdiction and convey property in the vicinity of 1018 Euclid Avenue to the State of Iowa, for the benefit and use of the Iowa Department of Transportation, as required for the Euclid Avenue Intersection Improvements Project, which right-of-way was acquired by the City of Des Moines pursuant to Warranty Deed recorded on August 11, 2011 in Book 13937, Page 504 in the office of the Polk County Recorder, and is legally described as follows:

A PART OF LOT 12, BLOCK 10, OAK PARK, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12; THENCE NORTH 89° (DEGREES) 54' (MINUTES) 06" (SECONDS) EAST, 8.00 FEET ALONG THE NORTH LINE OF SAID LOT 12; THENCE SOUTH 44°49'59" WEST, 11.30 FEET; THENCE NORTH 0°14'09" WEST, 8.00 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND CONTAINING 32 SQUARE FEET.

2. A public hearing shall be held on March 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 proposal and any other(s) submitted prior to or during the public hearing.

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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. There will be no proceeds associated with the conveyance of this property.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

*PTW*

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

T. M. Franklin Mayor  
MOTION CARRIED APPROVED

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