

Date March 25, 2013

**HOLD 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; and

**WHEREAS**, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed jurisdictional transfer and conveyance of this property as described below are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the transfer of public road jurisdiction and conveyance of 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

★ **Roll Call Number**  
13-0496

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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.

3. That the jurisdictional transfer and conveyance by the City of Des Moines of the above described right-of-way to the State of Iowa, for the benefit and use of the Department of Transportation, in accordance with Sections 306.42 and 364.7(3) of the Iowa Code, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of this property.

Moved by MahaFFEY to adopt.

APPROVED AS TO FORM:  
Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

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

**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.

T. M. Franklin Cownie Mayor

Diane Fauh City Clerk