

Date May 20, 2013

CONTINUANCE OF HEARING FOR CONVEYANCE OF THE VACATED 17TH STREET RIGHT-OF-WAY ADJOINING 1702 KEOSAUQUA WAY TO SPECTRUM RESOURCE PROGRAM FOR \$2,165

WHEREAS, on May 17, 1982, by Roll Call No. 82-2061, City Council approved and adopted Ordinance No. 10,125 vacating a segment of 17th Street lying south of Keosauqua Way; and

WHEREAS, Spectrum Resource Program is the owner of the real property locally known as 1702 Keosauqua Way, which adjoins a City-owned portion of said vacated right-of-way as legally described below and locally known as Polk County District/Parcel No. 080/03984-000-000 ("Property"), and Spectrum Resource Program has offered to the City of Des Moines the purchase price of \$2,165 for the purchase of a fee simple interest in the Property, which 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 for the Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on May 6, 2013 by Roll Call No. 13-0717, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on May 20, 2013, at 5:00 p.m., in the City Council Chambers; 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, thereafter it was determined that said Roll Call and the publication notice contained a small error in the legal description of the Property, and that a corrected notice of hearing is required to correct the scrivener's error; and

WHEREAS, a continuance of the public hearing until the Council meeting on June 10, 2013, has been requested for publication purposes.

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

1. This resolution shall correct and amend Roll Call No. 13-0717 to correct the legal description contained therein.
2. The City Council of the City of Des Moines, Iowa proposes to sell the following legally described segment of 17th Street lying south of Keosauqua Way, locally known as Polk County District/Parcel No. 080/03984-000-000 and vacated by Ordinance No. 10,125, to Spectrum Resource Program for \$2,165.00, subject to reservation of easement for existing utilities:

Date May 20, 2013

ALL THAT PART OF VACATED 17TH STREET RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF KEOSAUQUA WAY, AND LYING NORTH OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT NORTHWEST CORNER OF LOT 19 IN LYNN DALE, AN OFFICIAL PLAT; THENCE WEST 16.5 FEET ALONG THE WESTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 19; THENCE NORTH 17 FEET ALONG A LINE THAT IS 16.5 EAST OF AND PARALLEL TO THE EAST LINE OF LOT 35 IN SAID LYNN DALE; THENCE WEST 33.5 FEET ALONG A LINE THAT IS PARALLEL TO THE NORTH LINE OF SAID LOT 35 TO THE EAST LINE OF LOT G IN SAID LYNN DALE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The public hearing for conveyance of said property is hereby continued to June 10, 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.
4. The City Clerk is hereby authorized and directed to publish the corrected notice of said proposal and hearing 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: \$2,165, Fund: SP767, Org: ENG980500.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

(Council Communication No. 13-255)

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

psw

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