

★ Roll Call Number

13-1320

Agenda Item Number

14A

Date August 26, 2013

Page 1

**SET HEARING FOR VACATION AND CONVEYANCE OF SEGMENTS OF KEOSAUQUA WAY AND OAKRIDGE DRIVE RIGHT-OF-WAY ADJOINING 1300, 1310 AND 1330 KEOSAUQUA WAY TO KUM & GO, L.C. FOR \$13,010**

**WHEREAS**, on August 26, 2013, by Roll Call No. 13-1319, the City Council received a recommendation from the City Plan and Zoning Commission that segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310 and 1330 Keosauqua Way ("City Right-of-Way"), hereinafter more fully described, be vacated as requested by Kum & Go, L.C. for redevelopment, subject to the condition that said property may be used by the City of Des Moines for future streetscape purposes; and

**WHEREAS**, Kum & Go, L.C. is the purchaser of the properties locally known as 1300, 1310 and 1330 Keosauqua Way that abut the City Right-of-Way and has offered to the City of Des Moines the purchase price of \$13,010 for the vacation and purchase of such Right-of-Way, legally described below, for incorporation with surrounding properties for redevelopment, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, Kum & Go, L.C. and the City's Real Estate Division are negotiating an Offer to Purchase which will include, among other terms, closing subject to the condition that Kum & Go, L.C. first close on the purchase and demonstrate ownership of the abutting property, and the terms included in the City Plan and Zoning Commission recommendation; and

**WHEREAS**, there is no known current or future public need or benefit for the City Right-of-Way 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 Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310 and 1330 Keosauqua Way, more specifically described as follows:

A PART OF LOTS A AND B, OAKRIDGE PLAT NO. 1, AN OFFICIAL PLAT, ALL NOW INCLUDED IN, FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST CORNER OF LOT 19, SAID OAKRIDGE PLAT NO. 1, SAID POINT BEING ON THE WESTERLY LINE OF SAID LOT A; THENCE NORTH 41° (DEGREES) 11' (MINUTES) 55" (SECONDS) WEST ALONG SAID WESTERLY LINE OF LOT A, A DISTANCE OF 473.00 FEET; THENCE NORTH 43°29'14" EAST, 1.82 FEET; THENCE SOUTH 41°06'47" EAST, 477.47 FEET; THENCE SOUTH 46°39'16" WEST, 2.79 FEET; THENCE SOUTH 39°28'52" EAST, 6.92 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 26.31 FEET, WHOSE ARC LENGTH IS 19.08

★ Roll Call Number

13-1320

Agenda Item Number

14A

Date August 26, 2013

FEET AND WHOSE CHORD BEARS SOUTH 08°27'04" WEST, 18.67 FEET; THENCE NORTH 89°24'08" WEST, 36.83 FEET TO THE SOUTHERLY CORNER OF SAID LOT 19; THENCE NORTH 50°18'28" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 19, A DISTANCE OF 43.60 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRE (1301 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 to Kum & Go, L.C., subject to the conditions set forth above and in the Offer to Purchase, for the consideration of \$13,010.
3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on September 9, 2013, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
4. 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.
5. The proceeds from the sale of this property shall be deposited into the following account: EG064090.

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	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>T. M. Franklin</u> 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