



**Roll Call Number**

14-0141

**Agenda Item Number**

23

**Date** January 27, 2014

**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 222 East 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 Condemnation recorded on January 6, 2014 in Book 15076, Page 202 in the office of the Polk County Recorder, and is legally described as follows:

A PART OF LOT 12, BLOCK 17, HIGHLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTH 89°(DEGREES) 57'(MINUTES) 31'(SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 117.07 FEET TO THE POINT OF BEGINNING; THENCE NORTH 55°28'20" EAST, 17.66 FEET TO A POINT ON THE EAST LINE OF SAID LOT 12; THENCE SOUTH 0°17'12" WEST ALONG SAID EAST LINE, 10.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 89°57'31" WEST ALONG SAID SOUTH LINE, 14.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 73 SQUARE FEET.

2. The City of Des Moines, Iowa proposes to transfer public road jurisdiction and convey property in the vicinity of East Euclid Avenue and Columbia Street, District/Parcel No. 070/00146-000-000, to the State of Iowa, for the benefit and use of the Iowa Department of Transportation, as

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required for the Euclid Avenue Intersection Improvements Project, which right-of-way was acquired by the City of Des Moines pursuant to Condemnation recorded on January 2, 2014 in Book 15074, Page 80 in the office of the Polk County Recorder, and is legally described as follows:

A PART OF LOT 12, BLOCK 5, PLAT 1 OF AUBURN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 11 OF SAID BLOCK 5; THENCE SOUTH 0°(DEGREES) 08'(MINUTES) 50"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK, 91.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°08'50" WEST, 8.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 89°57'31" WEST ALONG THE SOUTH LINE OF SAID LOT, 7.00 FEET; THENCE NORTH 38°44'00" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 31 SQUARE FEET.

3. A public hearing shall be held on February 10, 2014, 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 notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. 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

RTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRAY	✓			
HENSLEY				✓
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	5			2

MOTION CARRIED 5 APPROVED 2  
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