

★ **Roll Call Number**
15-1509

Agenda Item Number
23 ✓

Page 1

Date September 14, 2015

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SOUTHEAST 40TH STREET TO JOHN F. AND EMMIE L. ANDERSON FOR \$900.00

WHEREAS, on August 24, 2015, by Roll Call No. 15-1424, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission approving a City-initiated request for the vacation of an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining 4491 Southeast 40th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and reservation of right of entry for servicing same; and

WHEREAS, John F. Anderson and Emmie L. Anderson, owners of adjoining 4491 Southeast 40th Street, have offered to the City of Des Moines the purchase price of \$900.00 for the purchase of the irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining 4491 Southeast 40th Street for incorporation into their residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the vacated irregular-shaped segment of 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, that:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining 4491 Southeast 40th Street, legally described as follows:

-Except the North 27 Feet-, All of the Parcel of Land Recorded in Book 6193 Page 963 at the Recorder's Office of Polk County, Iowa and Described as Follows:

A parcel of land located in the southeast ¼ of the southwest ¼, Section 20, T-78-N, R-23-W, of the 5th P.M., Polk County, Iowa, more specifically described as follows:

Beginning at the northwest corner of the southeast ¼ of the southwest ¼, Section 20, T-78-N, R-23-W; thence east along the north line of the southeast ¼ of the southwest ¼, 539.3 feet to the west right-of-way line of the Chicago and Northwestern Railroad; thence southeasterly along the west right-of-way line of the Chicago and Northwestern Railroad, 84.85 feet; thence west, 459.3 feet; thence southwesterly 198.0 feet to a point on the west line of the southeast ¼ of the southwest ¼, Section 20, T-78-N, R-23-W; thence north along the west line of the southeast ¼ of the southwest ¼, 200.0 feet to the point of beginning, exclusive of present established highways,

And



Roll Call Number

15-1509

Agenda Item Number

23 ✓

Date September 14, 2015

-Except the West 33 Feet-, All of the Parcel of Land Recorded in Book 6548 Page 466 at the Recorder's Office of Polk County, Iowa and Described as Follows:

A parcel of land located in the north 17.37 acres of the west 23.87 acres in the SE ¼, SW ¼, Section 20, T-78-N, R-23-W of the 5th P.M., Polk County, Iowa, more specifically described as follows:

Commencing at the northwest corner of the SE ¼, SW ¼, Section 20, T-78-N, R-23-W; thence south along the west line of the SE ¼, SW ¼, 200.0 feet to the point of beginning; thence northeasterly 84.9 feet; thence south, 800.5 feet; thence west 60.0 feet to the west line of the SE ¼, SW ¼, Section 20; thence north along the west line of the SE ¼, SW ¼, 740.5 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 approximately 26,969 Square Feet.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining 4491 Southeast 40th Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

To: John F. Anderson and Emmie L. Anderson
For: \$900.00

-Except the North 27 Feet-, All of the Parcel of Land Recorded in Book 6193 Page 963 at the Recorder's Office of Polk County, Iowa and Described as Follows:

A vacated parcel of land located in the southeast ¼ of the southwest ¼, Section 20, T-78-N, R-23-W, of the 5th P.M., Polk County, Iowa, more specifically described as follows:

Beginning at the northwest corner of the southeast ¼ of the southwest ¼, Section 20, T-78-N, R-23-W; thence east along the north line of the southeast ¼ of the southwest ¼, 539.3 feet to the west right-of-way line of the Chicago and Northwestern Railroad; thence southeasterly along the west right-of-way line of the Chicago and Northwestern Railroad, 84.85 feet; thence west, 459.3 feet; thence southwesterly 198.0 feet to a point on the west line of the southeast ¼ of the southwest ¼, Section 20, T-78-N, R-23-W; thence north along the west line of the southeast ¼ of the southwest ¼, 200.0 feet to the point of beginning, exclusive of present established highways,

And

-Except the West 33 Feet-, All of the Parcel of Land Recorded in Book 6548 Page 466 at the Recorder's Office of Polk County, Iowa and Described as Follows:

A vacated parcel of land located in the north 17.37 acres of the west 23.87 acres in the SE ¼, SW ¼, Section 20, T-78-N, R-23-W of the 5th P.M., Polk County, Iowa, more specifically described as follows:

Commencing at the northwest corner of the SE ¼, SW ¼, Section 20, T-78-N, R-23-W; thence south along the west line of the SE ¼, SW ¼, 200.0 feet to the point of beginning; thence northeasterly 84.9 feet; thence south, 800.5 feet; thence west 60.0

★ **Roll Call Number**

15-1509

Agenda Item Number

23 ✓

Date September 14, 2015

feet to the west line of the SE ¼, SW ¼, Section 20; thence north along the west line of the SE ¼, SW ¼, 740.5 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 approximately 26,969 Square Feet.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on September 28, 2015, 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 §362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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.

MOTION CARRIED 7 APPROVED
T. M. Franklin Mayor

Diane Rauh
City Clerk