

Date October 10, 2016

SET HEARING FOR VACATION OF A SEGMENT OF EAST 18TH STREET RIGHT-OF-WAY AT HUBBELL AVENUE AND CONVEYANCE OF A CORRECTED EASEMENT FOR BUS SHELTER ENCROACHMENT IN THE VACATED RIGHT-OF-WAY TO DES MOINES AREA REGIONAL TRANSIT AUTHORITY

WHEREAS, on August 10, 2015, by Roll Call No. 15-1371, the City Council of the City of Des Moines voted to vacate a portion of City right-of-way located at East 18th Street west of Hubbell Avenue, and to convey an Easement for Bus Shelter Encroachment on City-owned Property in said vacated right-of-way to Des Moines Area Regional Transit Authority (hereinafter "DART") for \$200.00, for the purpose of constructing, operating and maintaining a DART bus stop shelter; and

WHEREAS, said Easement for Bus Shelter Encroachment on City-owned Property (hereinafter "Original Easement") was filed in the Office of the Polk County Recorder on October 16, 2015, in Book 15773, Page 646; and

WHEREAS, the legal description used for said vacation ordinance and Original Easement for Bus Shelter Encroachment on City-owned Property contained a scrivener's error, which error now must be corrected by vacating a portion of City right-of-way located at East 18th Street west of Hubbell Avenue, as legally described below, and granting a Corrected Easement for Bus Shelter Encroachment on City-Owned Property in said vacated right-of-way to DART; and

WHEREAS, such portion of City right-of-way located at East 18th Street west of Hubbell Avenue, as legally described below, has been determined by the City Engineer and City Traffic Engineer to have no significant impact upon the public use of Hubbell Avenue, and the City will not be inconvenienced by the vacation and conveyance of said Corrected Easement for Bus Shelter Encroachment on City-Owned 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, Iowa, shall consider adoption of an ordinance permanently vacating a portion of City right-of-way located at East 18th Street west of Hubbell Avenue, more specifically described as follows:

A PART OF THE EAST 18TH STREET RIGHT OF WAY LYING WEST OF HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF LOT 1 OF SAID HUBBELL AVENUE ADDITION AND THE NORTH LINE OF THE SOUTHEASTERLY 12 FEET OF SAID LOT 1; THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTHEASTERLY 12 FEET OF SAID LOT 1, A DISTANCE OF 17.3 FEET AND TO THE POINT OF

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BEGINNING; THENCE SOUTHEAST AND PERPENDICULAR TO THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 6 FEET; THENCE SOUTHWEST AND PARALLEL TO THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 14 FEET; THENCE NORTHWEST AND PERPENDICULAR TO THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 6 FEET; THENCE NORTHEAST ALONG THE SOUTHWESTERLY EXTENSION OF SAID LOT 1, A DISTANCE OF 14 FEET TO THE POINT OF BEGINNING;

2. That if the City Council decides to vacate the above described portion of City right-of-way, the City of Des Moines, Iowa, further proposes to convey a Corrected Easement for Bus Shelter Encroachment on City-Owned Property in such vacated City right-of-way at East 18th Street west of Hubbell Avenue, to Des Moines Area Regional Transit Authority, subject to the terms and conditions set forth in the easement document.

3. That the meeting of the City Council at which the adoption of said ordinance and conveyance of such property interest is to be considered shall be on October 24, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.

5. There are no proceeds associated with this transaction.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Kathleen Vanderpool
Kathleen Vanderpool, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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