



Roll Call Number

17-0186

Agenda Item Number

20

Date February 6, 2017

SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR ENCROACHMENT ON CITY-OWNED PROPERTY ADJOINING 2208 MAISH COURT TO DOUGLAS RIAN ROBY AND BARBARA ANN ROBY FOR \$25.00 AND ADJOINING 2240 MAISH COURT TO KENNETH J. RICHARDS FOR \$25.00

WHEREAS, the City of Des Moines is owner of a twenty foot wide strip of property lying east of and adjoining 2208 Maish Court and 2240 Maish Court (hereinafter "Property"), more particularly described below; and

WHEREAS, Douglas Rian Roby and Barbara Ann Roby own the real property known as 2208 Maish Court, which adjoins the Property, and have offered to the City of Des Moines the purchase price of \$25.00 for the purchase of a Permanent Easement for Encroachment onto said Property for the limited purpose of the Grantee mitigating any existing or future encroachments within and upon the Easement Area, which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division; and

WHEREAS, Kenneth J. Richards owns the real property known as 2240 Maish Court, which adjoins the Property, and has offered to the City of Des Moines the purchase price of \$25.00 for the purchase of a Permanent Easement for Encroachment onto said Property for the limited purpose of the Grantee mitigating any existing or future encroachments within and upon the Easement Area, which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division; and

WHEREAS, the City will not be inconvenienced by the proposed vacation and conveyance of said easement interests.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Encroachment as legally described and to the grantees and for the consideration identified below:

Grantee: Douglas Rian Roby and Barbara Ann Roby

Consideration: \$25.00

Legal Description: A PART OF OUTLOT X IN WHITE OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 37 IN SAID WHITE OAK PARK; THENCE EAST ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 37 TO THE EAST LINE OF SAID OUTLOT X; THENCE NORTH ALONG SAID EAST LINE OF OUTLOT X TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 37; THENCE WEST ALONG

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SAID EASTERLY EXTENSION TO THE NORTHEAST CORNER OF SAID LOT 37;
THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 37 TO THE POINT OF
BEGINNING.

Grantee: Kenneth J. Richards

Consideration: \$25.00

Legal Description: A PART OF OUTLOT X IN WHITE OAK PARK, AN OFFICIAL PLAT,
ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 33 IN SAID WHITE OAK PARK;
THENCE SOUTHEAST ALONG THE SOUTHEASTERLY EXTENSION OF THE SOUTH
LINE OF SAID LOT 33 TO THE EAST LINE OF SAID OUTLOT X; THENCE NORTH
ALONG SAID EAST LINE OF OUTLOT X TO A POINT ON THE EASTERLY EXTENSION
OF THE NORTH LINE OF SAID LOT 33; THENCE WEST ALONG SAID EASTERLY
EXTENSION TO THE NORTHEAST CORNER OF SAID LOT 33; THENCE SOUTH ALONG
THE EAST LINE OF SAID LOT 33 TO THE POINT OF BEGINNING.

2. A public hearing shall be held on February 20, 2017, 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. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. 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.
4. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

ASW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk