

★ Roll Call Number

17-0314

Agenda Item Number

49

Date February 20, 2017

HOLD 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, Des Moines, Iowa (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 conveyance of said easement interests.

WHEREAS, on February 6, 2017 by Roll Call No. 17-0186, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyances of the Permanent Easements for Encroachment be set down for hearing on February 20, 2017, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Permanent Easements for Encroachment was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed conveyances, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyances of Permanent Easements for Encroachment in property lying east of and adjoining 2208 Maish Court and 2240 Maish Court, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the property interests proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyances of Permanent Easements for Encroachment as legally described and to the grantees and for the consideration identified below, and said conveyances are hereby approved:

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 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.

3. The Mayor is authorized and directed to sign the Offers to Purchase and the Permanent Easements for Encroachment for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

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4. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of each Permanent Easement for Encroachment, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

5. The Real Estate Division Manager is authorized and directed to forward the original of each Permanent Easement for Encroachment, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of each Permanent Easement for Encroachment and copies of the other documents to the grantees.

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

(Council Communication No. 17- 099)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
 Lisa A. Wieland, Assistant City Attorney

rw

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

MOTION CARRIED 7 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