

October 19, 1998

WHEREAS, on December 19, 1994, by Roll Call No. 94-4824, the City Council adopted a recommendation from the City Plan and Zoning Commission that an East/West alley north of University Avenue between Ure and E. 22nd Streets, hereinafter more fully described, be vacated and sold; and,

WHEREAS, Tom Wong is the owner of property abutting the alley right-of-way at such location; and,

WHEREAS, Tom Wong has offered to the City of Des Moines the purchase price as set out below for the vacation and sale of such alley right-of-way; NOW, THEREFORE,

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the East/West alley north of University Avenue, between Ure and E. 22nd Streets, more specifically described as follows:

All the East/West alley right-of-way lying South of and adjoining Lots 13 and 20, Glenwood Place, an Official Plat, and lying South of and adjoining the vacated North/South alley lying East of said Lot 20; a portion of said East/West alley also being described as lying North of and adjoining Lot 38, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described alley right-of-way, the City of Des Moines proposes to sell such vacated right-of-way to Tom Wong for a purchase price of \$6,700.00 and payment of the estimated publication and recording costs for the transaction.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on October 26, 1998, said meeting to

be held at 5:30 p.m., in the Council Chambers, City Hall, Des Moines, Iowa.

(continued)

October 19, 1998

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 1997.

Moved by to adopt.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney

ORDER NO. ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP
REGISTER

NOTICE OF PROPOSAL TO VACATE AND CONVEY RIGHT-OF-WAY

NOTICE IS HEREBY GIVEN, that the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the East/West alley north of University Avenue, between Ure and E. 22nd Streets, more specifically described as follows:

All the East/West alley right-of-way lying South of and adjoining Lots 13 and 20, Glenwood Place, an Official Plat, and lying South of and adjoining the vacated North/South alley lying East of said Lot 20; a portion of said East/West alley also being described as lying North of and adjoining Lot 38, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOTICE IF FURTHER GIVEN, that the City Council has adopted a resolution relating to a proposal to sell and convey such right-of-way to Tom Wong, for \$6,700, if the City Council first decides to vacate such right-of-way.

NOTICE IS FURTHER GIVEN that the City Council will consider the adoption of the proposed vacation ordinance and approval of the proposed sale and conveyance after a public hearing to be held at 5:30 p.m., in the Council Chambers, City Hall, Des Moines, Iowa, on October 26, 1998.

Copies of the proposed ordinance are available at the office of the City Clerk, City Hall, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

PUBLISHED IN THE DES MOINES REGISTER ON

October 26, 1998

WHEREAS, on October 19, 1998, by Roll Call No. 98-_____, it was duly resolved by the City Council that the proposed vacation and conveyance of the East/West alley north of University Avenue, between Ure and E. 22nd Streets, hereinafter more fully described, be set down for hearing on October 26, 1998, at 5:30 p.m., in the Council Chambers of City Hall; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the East/West alley north of University Avenue, between Ure and E. 22nd Streets, more specifically described as follows:

All the East/West alley right-of-way lying South of and adjoining Lots 13 and 20, Glenwood Place, an Official Plat, and lying South of and adjoining the vacated North/South alley lying East of said Lot 20; a portion of said East/West alley also being described as lying North of and adjoining Lot 38, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. The Offer to Buy Real Estate submitted by Tom Wong, offering to purchase the above described vacated alley in consideration of a purchase price of \$6,700.00 and payment of the

estimated publication and recording costs for this transaction is hereby approved.

4. The Mayor is authorized and directed to sign the Acceptance to the Offer to Buy Real Estate and the Quit Claim Deed for the transaction as described above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

October 26, 1998

5. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the said deed, 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 said documents to be recorded.

6. The City Clerk is further authorized and directed to forward the original of the Ground Water Hazard Statement to the Polk County Recorder for the purpose of causing such document to be filed.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the City Clerk shall mail the original of the Quit Claim Deed and copies of the other documents to: Tom Wong, TOM'S AUTO SALES, 2136 E. University, Des Moines, IA 50317.

Moved by to adopt.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney

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After recording return to:

City Clerk

400 E. First Street

Des Moines, Iowa 50309

Prepared by Roger K. Brown, Legal Department, 400 E. First St, Des Moines, Iowa 50309 (515) 283-4541

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That the **CITY OF DES MOINES**, a municipal corporation of the County of Polk, the State of Iowa (hereinafter "City"), in consideration of the total sum of Six Thousand, Seven Hundred Dollars (\$6,700.00), receipt of which is hereby acknowledged, does hereby **QUIT CLAIM** unto **Tom Wong**, all its right, title and interest in and to the following described premises, situated in Polk County, State of Iowa, to-wit:

All the East/West alley right-of-way lying South of and adjoining Lots 13 and 20, Glenwood Place, an Official Plat, and lying South of and adjoining the vacated North/South alley lying East of said Lot 20; a portion of said East/West alley also being described as lying North of and adjoining Lot 38, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Vacated by Ordinance No. _____ passed _____, 1998.

The City RESERVING right-of-way easements for all public utilities now in place with the right of entry for servicing same.

This conveyance is not intended to, and shall not be deemed to affect any pending preliminary or special assessments against the adjoining privately owned property.

No transfer tax due. Government grantor. § 428A.2(6).

Signed this day of , 1998.

CITY OF DES MOINES, IOWA

Attest:

By Preston A. Daniels, Mayor

Donna V. Boetel-Baker, City Clerk

STATE OF IOWA)

) ss:

COUNTY OF POLK)

On this day of , 1998, before me, the undersigned, a Notary Public, personally appeared PRESTON A. DANIELS and DONNA V. BOETEL-BAKER, to me personally known, who, being by me duly sworn, did state that they are the Mayor and City Clerk, respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution and Roll Call No. 98-_____ adopted by the City Council on the day of , 1998, and that Preston A. Daniels and Donna V. Boetel-Baker acknowledged the execution of the instrument to be the voluntary act and deed of the municipal corporation, by it voluntarily executed.

Notary Public in the State of Iowa

ORDINANCE NO. 13,657

AN ORDINANCE vacating the East/West alley right-of-way located north of University Avenue, between Ure and E. 22nd Streets.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the East/West alley north of University Avenue, between Ure and E. 22nd Streets, more specifically described as follows, be and is hereby vacated:

All the East/West alley right-of-way lying South of and adjoining Lots 13 and 20, Glenwood Place, an Official Plat, and lying South of and adjoining the vacated North/South alley lying East of said Lot 20; a portion of said East/West alley also being described as lying North of and adjoining Lot 38, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. That this vacation is made with reservations of right-of-way easements for any public utilities now in place with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Ordinance No. _____ page 2

Sec. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney

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October 26, 1998

An Ordinance entitled, "AN ORDINANCE vacating the East/West alley right-of-way located north of University Avenue, between Ure and E. 22nd Streets",

presented.

Moved by that this ordinance be considered and given first vote for passage.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney

(First of three required readings)

November 2, 1998

An Ordinance entitled, "AN ORDINANCE vacating the East/West alley right-of-way located north of University Avenue, between Ure and E. 22nd Streets",

which was considered and voted upon under Roll Call No. 98-
of October 26, 1998; again presented.

Moved by that this ordinance be considered and given second vote for passage.

(Second of three required readings)

November 16, 1998

An Ordinance entitled, "AN ORDINANCE vacating the East/West alley right-of-way located north of University Avenue, between Ure and E. 22nd Streets",

which was considered and voted upon for the first time under Roll Call No. 98- of October 26, 1998; and was considered and voted upon for the second time under Roll Call No. 98- _____ of November 2, 1998; again presented.

Moved by that this ordinance
do now pass.

(ORDINANCE NO.)

**REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT
PART 1 - TO BE COMPLETED BY TRANSFEROR**

Social Security No.

TRANSFEROR Name City of Des Moines (or Federal I.D. No.) 42-600-4514

Address 400 East First Street Des Moines Iowa 50309-1891

Social Security No.

TRANSFeree Name Tom Wong (or Federal I.D. No.)

Address 2136 E. University Avenue, Des Moines, IA 50317

Address of Property Transferred vacated alley adjoining 2136 E. University, Des Moines, IA 50317

Legal Description of Property:

The East/West alley north of University Avenue, between Ure and E. 22nd Streets, more specifically described as follows:

All the East/West alley right-of-way lying South of and adjoining Lots 13 and 20, Glenwood Place, an Official Plat, and lying South of and adjoining the vacated North/South alley lying East of said Lot 20; a portion of said East/West alley also being described as lying North of and adjoining Lot 38, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

1. Wells (check one)

- There are no known wells situated on this property.
- There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below.

2. Solid Waste Disposal (check one)

- There is no known solid waste disposal site on this property.
- There is a solid waste disposal site on this property, but no notice has been received from the Department of Natural Resources that the site is deemed to be potentially hazardous.
- There is a solid waste disposal site on this property which has been deemed to be potentially hazardous by the Department of Natural Resources. The location(s) of the site(s) is stated below.

3. Hazardous Wastes (check one)

- There is no known hazardous waste on this property.
- There is hazardous waste on this property and it is being managed in accordance with Department of Natural Resources rules.

4. Underground Storage Tanks (check one)

() There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)

() There is an underground storage tank or tanks on this property. The type(s), size(s) and any known substance(s) contained are described below.

Information, if any, required by statements checked above.

Attachment for Additional Information? Y/N If so, number of pages

I HEREBY DECLARE THAT THE INFORMATION CONTAINED IN PART 1 OF THIS STATEMENT IS TRUE AND CORRECT.

Date: _____

Signature Telephone Number (515) 283-4589

Michael M. Klapp, P.E. & L.S., IA License No. 4821 (Exp. 12-31-98)

Senior Engineer, City of Des Moines

PART II -- TO BE COMPLETED BY RECORDER

Date of Instrument Book/I.D. Page/I.D.

Date of Recording City or Township

Deed

Contract County

FILE WITH RECORDER