

Date January 8, 2007

HOLD HEARING FOR THE CONVEYANCE OF EXCESS CITY-OWNED PROPERTY ACQUIRED FOR THE MARTIN LUTHER KING, JR. PARKWAY PROJECT AND VACATION AND CONVEYANCE OF SEGMENTS OF 19TH STREET PLACE AND CROCKER STREET RIGHTS-OF-WAY ADJOINING 1912 COTTAGE GROVE AVENUE TO MONTE AND KRISTA BENNETT FOR \$25,000

WHEREAS, on June 5, 2006, by Roll Call No. 06-1091, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of 19th Street Place between Cottage Grove Avenue and Crocker Street be vacated and sold, along with an adjoining excess parcel acquired for the Martin Luther King, Jr. Parkway Project, both hereinafter more fully described; and

WHEREAS, on August 7, 2006, by Roll Call No. 06-1569, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North seven feet of Crocker Street right-of-way adjoining the building at 1912 Cottage Grove Avenue, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantees identified below are the owners of property abutting such rights-of-way and excess City-owned property, and have offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such property described below; and

WHEREAS, on December 18, 2006, by Roll Call No. 06-2465, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way and City-owned property be set down for hearing on January 8, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to convey City-owned property and to vacate and convey public rights-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 conveyance of City-owned property and vacation and conveyance of public rights-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a segment of 19th Street Place between Cottage

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Grove Avenue and Crocker Street, and a portion of Crocker Street adjoining 1912 Cottage Grove Avenue, more specifically described as follows:

Except that part of 19th Street Place right-of-way as vacated by Ordinance No. 5552, passed November 22, 1954, all that part of 19th Street Place right-of-way lying East of and adjoining the South 107.00 feet of Lot 6, Block E, Kuhn's Addition to Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The North 7.0 feet of Crocker Street right-of-way lying South of and adjoining Lot 1, and lying South of and adjoining the West 1/2 of Lot 2, Block F, Kuhn's Addition to Des Moines, an Official Plat; and the North 7.0 feet of Crocker Street right-of-way lying South of and adjoining the vacated East 4.0 feet of 19th Street Place right-of-way lying West of and adjoining said Lot 1 (vacated by Ordinance No. 5552, passed November 22, 1954), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such rights-of-way, along with City-owned property acquired for the Martin Luther King, Jr. Parkway Project, as described below, to Monte and Krista Bennett for \$25,000, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved:

The vacated North 7.0 feet of Crocker Street right-of-way lying South of and adjoining Lot 1, and lying South of and adjoining the West 1/2 of Lot 2, Block F, Kuhn's Addition to Des Moines, an Official Plat; and the vacated North 7.0 feet of Crocker Street right-of-way lying South of and adjoining the vacated East 4.0 feet of 19th Street Place right-of-way lying West of and adjoining said Lot 1 (vacated by Ordinance No. 5552, passed November 22, 1954), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

All that part of Lot 6, Block E, Kuhn's Addition, an Official Plat, and part of vacated 19th Place lying between Block E and Block F of Kuhn's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the intersection of the present North right-of-way line of Crocker Street and the present West right-of-way line of vacated 19th Place, and being the Southeast

DESCRIPTION APPROVED

[Handwritten signature]
1/9/07 12:00

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Adm
corner of said Lot 6; thence South 89°(Degrees) 50'(Minutes) 32"(Seconds) West (assumed bearing for the purpose of this description) along the present North right-of-way line of Crocker Street, and being the South line of said Lot 6, a distance of 44.92 feet to the Southwest corner of said Lot 6; thence North 00°24'45" West along the West line of said Lot 6, a distance of 56.10 feet; thence North 34°40'32" East, 61.53 feet; thence North 89°33'36" East, 59.00 feet to the West line of that part of 19th Place vacated by Ordinance No. 5552, passed November 22, 1954, and recorded in Book 2749, Page 63, in the Office of the Recorder of Polk County; thence South 00°26'27" East on said West line, 106.90 feet to the westerly extension of the present North right-of-way line of Crocker Street; thence South 89°50'32" West on the westerly extension of the present North right-of-way line of Crocker Street, 49.50 feet to the point of beginning.

By survey containing 9,179 square feet, or 0.21 acre, of which 3,893 square feet, or 0.09 acre, are in Lot 6, Block E of said Kuhn's Addition, and 5,286 square feet, or 0.12 acre, are in the present right-of-way of vacated 19th Place.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyances identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said rights-of-way and 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 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 Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the 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 these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.

8. The proceeds from the sale of this property will be deposited into the following accounts:
\$3,000 – 2006-07 Operating Budget, Page 310, Property Maintenance, SP767
\$22,000 – Federal Title 23 Deposit Account, Fund: CP038, Org: EN990000, Project: STR500.

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(Council Communication No. 07-004)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

pen

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
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.

 Mayor

 City Clerk