

Date February 26, 2007

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF A PARCEL OF PROPERTY IN EWING PARK, SOUTH OF FIRE STATION NO. 10, TO BLOOMFIELD UNITED METHODIST CHURCH FOR \$7,500**

**WHEREAS**, on January 9, 2006, by Roll Call No. 06-074, the City Council moved to receive, file and refer a request from Bloomfield United Methodist Church for vacation and conveyance of a parcel of property in Ewing Park, hereinafter more fully described, to the City Manager and Park and Recreation Board for review and recommendation; and

**WHEREAS**, on January 24, 2006, by Resolution No. 06-008, the Park and Recreation Board approved the vacation and conveyance of such City-owned property; and

**WHEREAS**, the grantee identified below is the owner of property abutting such parcel of Ewing Park and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portion of Ewing Park described below; and

**WHEREAS**, on February 12, 2007, by Roll Call No. 07-233, it was duly resolved by the City Council that the proposed vacation and conveyance of a portion of Ewing Park be set down for hearing on February 26, 2007, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, on February 12, 2007, the City Council authorized the publication of a notice to vacate and convey the subject property for \$15,000. Since this date, the City’s Engineering Department has determined that a portion of the subject property may be needed for possible future extension of East Payton Avenue to accommodate a new school that is planned to be located on a portion of the Ewing Park Property. The reservation of an easement for this possible street extension reduces the fair market value of the property being sold by 50% or from \$15,000 to \$7,500; and

**WHEREAS**, due notice of said proposal to vacate and convey such parkland for \$7,500, reserving an easement for street right-of-way across the South ½ of the property being conveyed, 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, as described below, are hereby overruled and the hearing is closed.

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2. There is no public need for the parkland proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a parcel of property in Ewing Park, South of Fire Station No. 10, more specifically described as follows:

A part of the Northeast 1/4 of the Southeast 1/4 of Section 26, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa being more particularly described as follows: Commencing at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 26; thence North 89°(Degrees) 31'(Minutes) 09"(Seconds) West, 251.63 feet along the South line of said Northeast 1/4 of the Southeast 1/4 to the Southwest corner of the existing Bloomfield Church property and the point of beginning; thence continuing North 89°31'09" West, 114.67 feet; thence North 00°00'00" East, 173.25 feet; thence South 89°31'09" East, 114.67 feet to the Northwest corner of said church property; thence South 00°00'00" West, 173.25 feet along the West line thereof to the point of beginning. (Containing 0.46 Acre)

3. That the sale and conveyance of such portion of Ewing Park, as described below, to Bloomfield United Methodist Church for \$7,500, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

A part of the vacated Northeast 1/4 of the Southeast 1/4 of Section 26, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa being more particularly described as follows: Commencing at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 26; thence North 89°(Degrees) 31'(Minutes) 09"(Seconds) West, 251.63 feet along the South line of said Northeast 1/4 of the Southeast 1/4 to the Southwest corner of the existing Bloomfield Church property and the point of beginning; thence continuing North 89°31'09" West, 114.67 feet; thence North 00°00'00" East, 173.25 feet; thence South 89°31'09" East, 114.67 feet to the Northwest corner of said church property; thence South 00°00'00" West, 173.25 feet along the West line thereof to the point of beginning. (Containing 0.46 Acre)

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance 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 said parkland 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.

DESCRIPTION REVIEWED  
Brenda [Signature]  
2/26/07

★ Roll Call Number

Agenda Item Number

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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 grantee.

8. The proceeds from the sale of this property will be deposited into the following account: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

(Council Communication No. 07-104 )

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Ann DiDonato*  
 Ann DiDonato  
 Assistant City Attorney

*PSW*

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

MOTION CARRIED APPROVED

\_\_\_\_\_  
 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.

\_\_\_\_\_  
 City Clerk