

Date March 6, 2006

**RESOLUTION TO HOLD HEARING ON CONVEYANCE OF CITY-OWNED PROPERTY
LOCATED IN THE VICINITY OF 2120 INGERSOLL AVENUE**

WHEREAS, Tim Flanagan is the owner of property located at 2120 Ingersoll Avenue which abuts City owned landlocked property South of Ingersoll Avenue, North of Grand Avenue and West of the projected Martin Luther King, Jr. Parkway; and

WHEREAS, the property described below was purchased for the Martin Luther King, Jr. Parkway public improvement project; and

WHEREAS, on March 8, 2004, by Roll Call No. 04-477, the City of Des Moines reserved a permanent easement for structural support on this property; and

WHEREAS, on October 11, 2004, by Roll Call No. 04-2140, the City of Des Moines determined the property to no longer be needed for the public improvement project and declared said property as excess right-of-way and set date of public hearing for October 25, 2004; and

WHEREAS, City staff completed the process and mailed the notices as required by Iowa Code Chapter 306; and,

WHEREAS, On October 25, 2004, December 20, 2004, and March 7, 2005, the hearing on the proposed conveyance of the property was held and continued for further consideration; and

WHEREAS, On March 28, 2005, after the proposed purchaser informed City staff he was no longer interested in purchasing this property at that time, the hearing was closed; and

WHEREAS, Timothy J. Flanagan has now executed a signed offer to purchase the property more specifically described below from the City of Des Moines for the price of \$1.00 and other valuable consideration, and

WHEREAS, in accordance with Iowa Code 364.7 the Council may make a final determination on this proposal by resolution.

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

1. The property described below is no longer needed for the public improvement project and was previously declared excess right-of-way.
2. The City Council of the City of Des Moines, Iowa proposes to sell the following described landlocked property South of Ingersoll Avenue, North of Grand Avenue and West of the

★ Roll Call Number

Agenda Item Number

35

Disposition

Date March 6, 2006

projected Martin Luther King, Jr. Parkway, more specifically described and for the consideration identified below:

To: Timothy J. Flanagan

For: \$1.00 and other valuable consideration

All that part of Lot 9 of the Official Plat of the Southwest 1/4 of Section 5, 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, more particularly described as follows:

Commencing at the point of intersection of the East line of Said Lot 9 and the present North right-of-way line of Grand Avenue; thence South 89° (degrees) 52' (minutes) 36" (seconds) West (assumed bearing for the purpose of this description) on the present North right-of-way line of Grand Avenue, 100.00 feet to a line that is 100.00 feet West of and parallel with the East line of said Lot 9; thence North 00°23'09" West on said line that is 100.00 feet West of and parallel with the East line of said Lot 9, 274.88 feet to the point of beginning; thence South 89°49'09" West, 100.00 feet, thence North 00°23'09" West, 9.33 feet to the Southerly line of the parcel of land recorded in Book 8314, Page 710 in the Polk County Recorder's office; thence North 89°49'03" East, on said Southerly line of the parcel of land recorded in Book 8314, Page 710 in the Polk County Recorder's office, 100.00 feet to a line that is 100.00 feet West of and parallel with the East line of said Lot 9; thence South 00°23'09" East on said line that is 100.00 feet West of and parallel with the East line of said Lot 9, 9.33 feet to the point of beginning. By survey containing 933 square feet.

Subject to a Permanent Easement, which is the Easterly 12.79 foot in even width of the above-described parcel.

- 1. The proceeds from the sale of this property shall be deposited into the following account: Property Management Endowment Fund, Account 480010, Fund SP767, Organization PKS161625, Project PM-003

★ **Roll Call Number**

Agenda Item Number

35

Disposition

Date March 6, 2006

Moved by _____ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa

Emily Gould Chafa
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
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

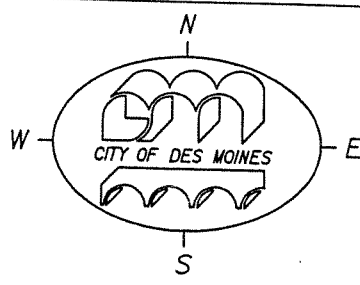
35

MARTIN LUTHER KING JR. PARKWAY

INGERSOLL AVENUE

GRAND AVENUE

PROPERTY LOCATION



PROPERTY DISPOSITION
 MARTIN LUTHER KING JR. PKWY.
 ACTIVITY I.D. 28-1993-011

T:\ENG\Design\28\1993\011\loc.map2.dgn 05-OCT-2004 14:36

