

Date April 7, 2008

SET HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY NORTH OF UNIVERSITY AVENUE AND EAST OF 30TH STREET TO DRAKE UNIVERSITY FOR \$1 AND OTHER VALUABLE CONSIDERATION

WHEREAS, on February 25, 2008, by Roll Call No. 08-287, City Council authorized acquisition of right-of-way for the 2007-08 Paving Program – Carpenter Avenue Project; and

WHEREAS, the City needs to acquire property interests from Drake University for this project, and Drake University has agreed to convey these property interests to the City in exchange for the North/South alley right-of-way North of University Avenue and East of 30th Street; and

WHEREAS, the City Plan and Zoning Commission has considered and recommended conditional approval for the vacation and conveyance of the North/South alley right-of-way North of University Avenue and East of 30th Street, hereinafter more fully described, at their meeting on April 3, 2008, and on April 21, 2008, the City Council will receive and file the Plan and Zoning Commission’s report and recommendation prior to proceeding with the public hearing for the sale of this property; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below.

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

- 1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the North/South alley right-of-way North of University Avenue and East of 30th Street, more specifically described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, LAWNSDALE, AN OFFICIAL PLAT; THENCE SOUTH 89° (DEGREES) 56' (MINUTES) 49" (SECONDS) WEST ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 13.00 FEET; THENCE NORTH 0°14'50" WEST ALONG THE EAST LINE OF SAID LOTS 50 THRU 44, A DISTANCE OF 172.73 FEET; THENCE NORTHWEST ALONG A 17.00 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 56°15'35", A CHORD DISTANCE OF 16.03 FEET, A CHORD BEARING OF NORTH 36°07'07" WEST, FOR AN ARC DISTANCE OF 16.69 FEET; THENCE NORTH 61°21'49" WEST, 5.91 FEET; THENCE NORTHEAST ALONG A 366.00 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 2°30'19", A CHORD DISTANCE OF 16.00 FEET, A CHORD BEARING OF NORTH 28°38'03" EAST, FOR AN ARC DISTANCE OF 16.00 FEET; THENCE SOUTH 61°21'56" EAST, 3.08 FEET; THENCE SOUTHEAST ALONG A 36.00 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 8°06'28", A CHORD DISTANCE OF 5.09

DESCRIPTION REVIEWED
[Signature]
4/8/08 08:38

Date April 7, 2008

FEET, A CHORD BEARING OF SOUTH 54°42'51" EAST, FOR AN ARC DISTANCE OF 5.09 FEET; THENCE NORTH 0°15'15" WEST, 15.75 FEET; THENCE NORTHEAST ALONG A 366.00 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 3°40'06", A CHORD DISTANCE OF 23.43 FEET, A CHORD BEARING OF NORTH 33°27'36" EAST, FOR AN ARC DISTANCE OF 23.43 FEET; THENCE SOUTH 0°14'50" EAST ALONG THE WEST LINE OF LOTS 10 THRU 1, A DISTANCE OF 233.42 FEET; TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 3,118 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way to Drake University for \$1 and other valuable consideration.

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 April 21, 2008, said meeting to be held at 5:00 p.m., in the Council Chamber.

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.

5. There will be no proceeds associated with the conveyance of this right-of-way.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

 Glenna K. Frank, Assistant City Attorney

RAW

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

MOTION CARRIED APPROVED

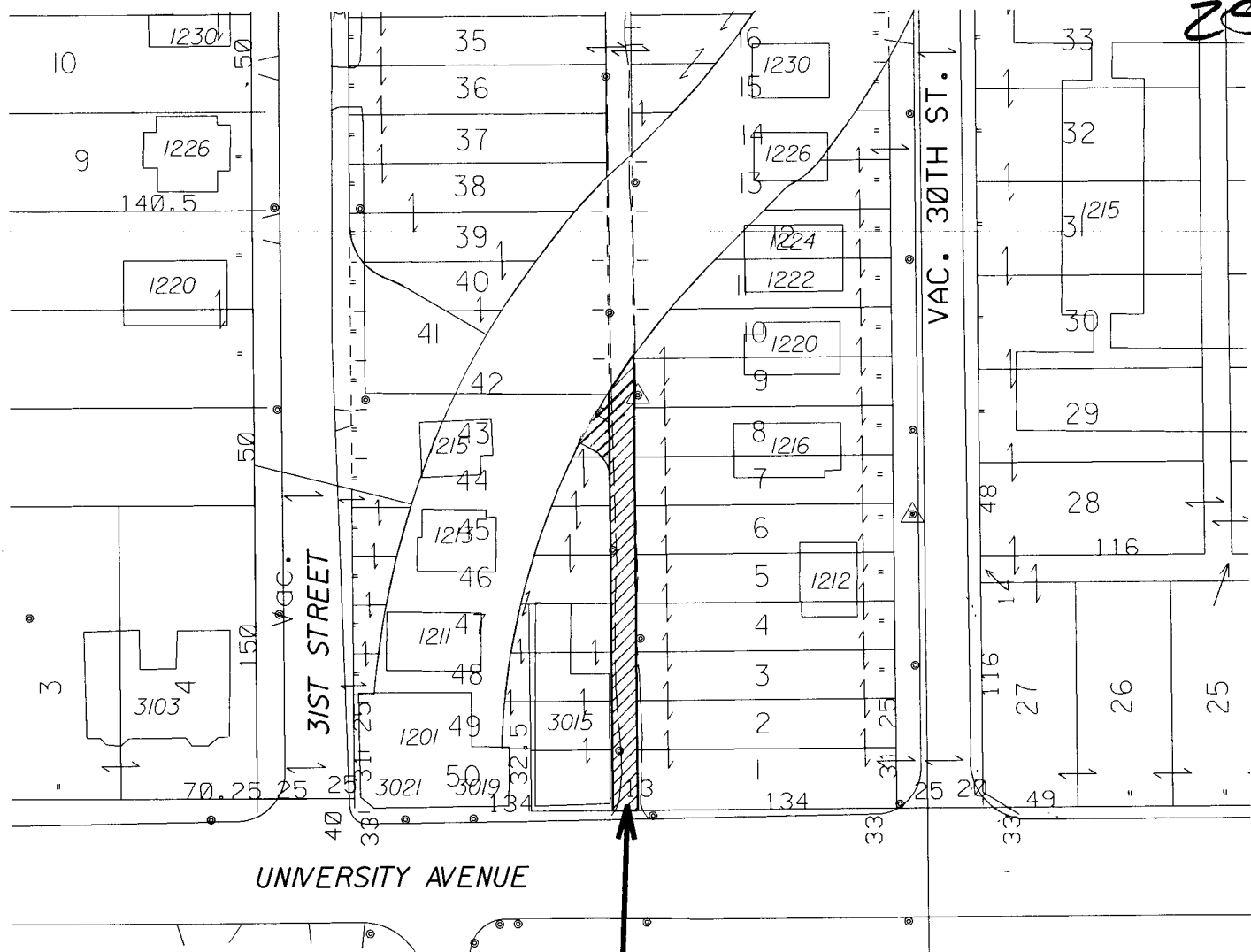
 Mayor

CERTIFICATE

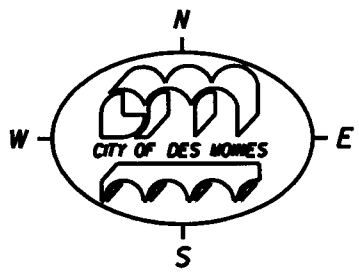
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk



**PROPERTY
LOCATION**



**PROPERTY DISPOSITION
DRAKE UNIVERSITY
ACTIVITY I.D. 34-2008-039**