

Date April 10, 2006

HEARING TO CORRECT SCRIVENER'S ERROR ON THE VACATION AND CONVEYANCE OF CITY-OWNED STREET AND ALLEY RIGHTS-OF-WAY LOCATED ADJACENT TO AND IN THE VICINITY OF 1101 EAST 6TH STREET TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT

WHEREAS, on February 20, 2006, by Roll Call No. 06-385, after notice and public hearing, the City Council intended to approve the vacation and conveyance of City-owned street and alley rights-of-way adjacent to and in the vicinity of 1101 East 6th Street, but said Roll Call contained an error in the legal description, due to a scrivener's error; and

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

WHEREAS, on March 20, 2006, by Roll Call No. 06-528, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on April 10, 2006, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal 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 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 street and alley rights-of-way adjacent to and in the vicinity of 1101 East 6th Street, more specifically described as follows:

All that part of East Seventh Street right-of-way lying South of the westerly extension of the South right-of-way line of East University and lying North of the westerly extension of the South right-of-way line of Filmore Street, and all that part of Filmore Street right-of-way lying West of the southerly extension of the West right-of-way line of Pennsylvania Avenue and lying East of the southerly extension of the East right-of-way line of East Seventh Street,

DESCRIPTION APPROVED [Signature] 3/30/06 11:19

103

Date April 10, 2006

and all that part of Pine Street right-of-way lying West of and adjoining Lots 6 thru 10, James Hall's Subdivision, an Official Plat, and all that part of the North/South alley right-of-way East of and adjoining said Lots 6 thru 10, and all of the North/South alley right-of-way lying East of and adjoining Lots 11 thru 15, and all of the North/South alley right-of-way lying East of and adjoining Lot 18, and the vacated East/West alley right-of-way being the South 16.0 feet of Lots 16, 17 and 18, and all of the East/West alley right-of-way lying North of and adjoining Lots 8 thru 10, all in James Hall's Second Subdivision, an Official Plat, 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 vacated rights-of-way, as described below, to Des Moines Independent Community School District for \$3,200.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All of the vacated street and alleys further described as: All that part of East Seventh Street right-of-way lying South of the westerly extension of the South right-of-way line of East University and lying North of the westerly extension of the South right-of-way line of Filmore Street, and all that part of Filmore Street right-of-way lying West of the southerly extension of the West right-of-way line of Pennsylvania Avenue and lying East of the southerly extension of the East right-of-way line of East Seventh Street, and all that part of Pine Street right-of-way lying West of and adjoining Lots 6 thru 10, James Hall's Subdivision, an Official Plat, and all that part of the North/South alley right-of-way East of and adjoining said Lots 6 thru 10, and all of the North/South alley right-of-way lying East of and adjoining Lots 11 thru 15, and all of the North/South alley right-of-way lying East of and adjoining Lot 18, and the vacated East/West alley right-of-way being the South 16.0 feet of Lots 16, 17 and 18, and all of the East/West alley right-of-way lying North of and adjoining Lots 8 thru 10, all in James Hall's Second Subdivision, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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[Signature]
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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 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.

★ Roll Call Number

Agenda Item Number

63

Dispositions – Des Moines Public Schools: Page 3

Date April 10, 2006

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: 2006-2007 Operating Budget: Special Revenue Funds – Property Maintenance SP767, PKS161625, Page 310.

(Council Communication No. 06-)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Ann DiDonato
 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