

Date April 12, 2010

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST-WEST ALLEY BETWEEN WALKER STREET AND MAPLE STREET FROM EAST 14TH STREET TO JOHNSON COURT TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR \$1

WHEREAS, on May 8, 2006, by Roll Call No. 06-885, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the east-west alley between Walker Street and Maple Street from East 14th Street to Johnson Court, hereinafter more fully described, be vacated and sold; 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, in accordance with Iowa Code Section 364.7(3), for the vacation and purchase of the portion of such right-of-way described below, in order to use such right-of-way for the public purpose of expansion of and incorporation into their existing site, which conveyance will be subject to reservation of a public access easement over the western portion of the alley right-of-way for access to the adjoining property; and

WHEREAS, as further consideration for the proposed vacation and conveyance of the City right-of-way, the grantee has granted to the City a fee interest in 19,701 square feet of real property required for construction and maintenance of the City’s Des Moines/Raccoon Rivers – Birdland Levee Project, which real property is of equivalent fair market value to the right-of-way proposed to be vacated and conveyed by this resolution.

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 a portion of the east-west alley between Walker Street and Maple Street from East 14th Street to Johnson Court, more specifically described as follows:

All of the east-west alley right of way lying west of the west right-of-way line of US Highway 69 (also known as Johnson Court, as presently established) and lying north of and adjoining Lots 4 through 13, Block 36, Stewart’s Addition to the City of Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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, as described below, to the grantee and for the consideration identified below and the grant to City of the real property needed for the Des Moines/Raccoon Rivers – Birdland Levee Project:

Date April 12, 2010

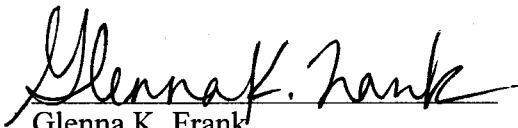
To: Des Moines Independent Community School District for \$1

All of the vacated east-west alley right of way lying west of the west right-of-way line of US Highway 69 (also known as Johnson Court, as presently established) and lying north of and adjoining Lots 4 through 13, Block 36, Stewart's Addition to the City of Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 26, 2010, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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 sale of this property.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

BSV

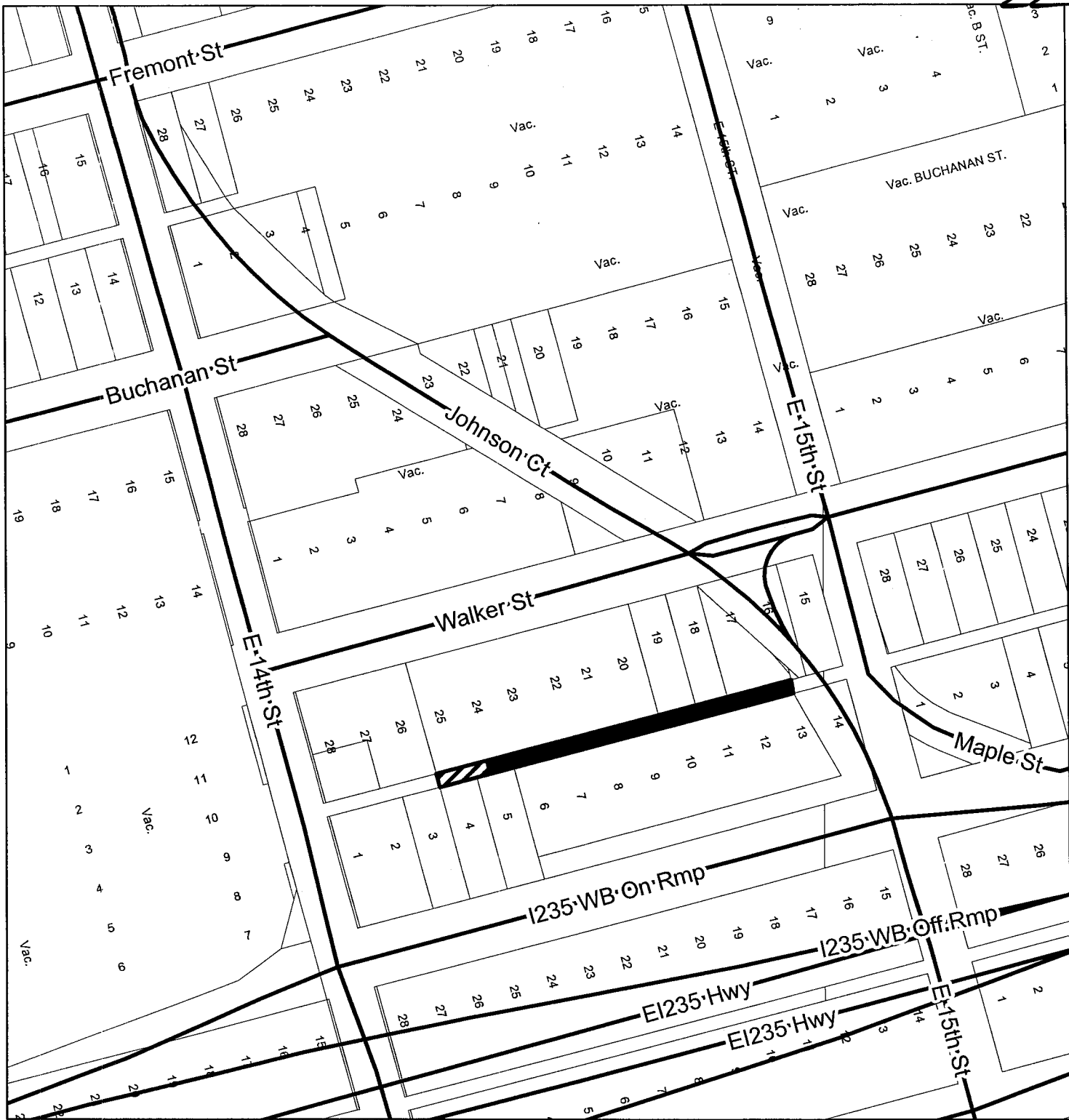
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

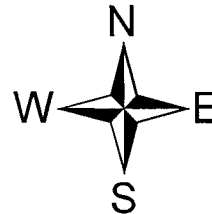
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk



Legend

-  DISPOSITION WITH PUBLIC INGRESS-EGRESS
-  DISPOSITION



**DISPOSITION -
DES MOINES INDEPENDENT
COMMUNITY SCHOOL DISTRICT**