

★ **Roll Call Number**

Agenda Item Number

6013

October 9, 2006  
Date.....

An Ordinance entitled, "AN ORDINANCE vacating a dead-end segment of NE 47<sup>th</sup> Court right-of-way located South of NE Hubbell Road",

which was considered and voted upon under Roll Call No.06-\_\_\_\_\_of October 9, 2006, again presented.

Moved by \_\_\_\_\_ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

NOTE: Waiver of this rule is requested by Hubbell Properties II, L.C..

FORM APPROVED:

*Ann DiDonato*

Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

60B



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FAX 515-280-2000

September 21, 2006

Ms. Nanci McMickle  
Real Estate Coordinator  
Real Estate Division  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1891

**Hand Delivered**

Re: Vacation and Conveyance of the portion of Lot A, Glenn Acres, that lies West of and adjoins Lots 48, 49 and 50, Glenn Acres

Dear Ms. McMickle:

I enclose two originals of the Offer to Purchase Real Estate from the City of Des Moines and Acceptance, for the above-described property, duly executed by Hubbell Properties II, L. C. (Series H), the owner of the abutting property. Upon approval of this Offer to Purchase and its acceptance by the City, please return one fully executed original to me in the enclosed, stamped, self-addressed envelope.

I also enclose our check for \$813.00, \$113.00 of which is to cover the estimated costs of publication of notice and recording and \$700.00 of which is to cover the purchase price for the Property.

We request that the City Council, at its meeting of September 25, 2006, schedule public hearings for its meeting of October 9, 2006 on both the vacation of this property and the conveyance of this property. At its meeting of October 9, 2006, we request the City Council waive readings and approve the vacation and approve the conveyance at that meeting.

While this land will become part of the residential lots in the next phase of development of the Summersfield plats, the City Planning Department has requested that we include this land as part of an outlot in the final plat of either Summersfield Plat 1 or Summersfield Plat 2, both of which we plan to present to the City Council for final approval at its meeting of October 23, 2006. We want the conveyance of the above land to be recorded as soon after the October 9, 2006 meeting as possible, so we can reflect ownership of this land in the final title opinion for the platting. We would like to start construction of homes in Summersfield Plat 1 yet this fall. The City's cooperation in expediting this vacation and conveyance will make this possible.

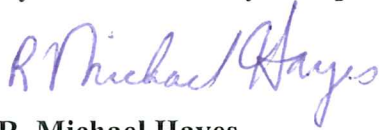
We will separately present the requested amendment to PUD plan to incorporate this land for minor approval by the Planning Director, once the City Council has approved this vacation and conveyance.

Ms. Nanci McMickle  
Real Estate Coordinator  
September 21, 2006  
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If you have any questions or need any further information, please contact me.

Very truly yours,

**HUBBELL PROPERTIES II, L. C. (SERIES H)**  
**By: Hubbell Realty Company, Managing Member**



**R. Michael Hayes**  
**Secretary and General Counsel**  
**Phone: 515-280-2051**  
**Fax: 515-223-3073**  
**E-mail: michael.hayes@hubbellrealty.com**

Enclosures

CC: Dan D. Dutcher  
Douglas R. Saltgaver