

48

Date October 23, 2006

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF THE EAST 10 FEET OF SE 10TH STREET AND THE WEST 10 FEET OF SE 11TH STREET ADJOINING 1005 MAURY STREET TO THE SOUTHERN ROSE, L.P. FOR \$5,600

WHEREAS, on September 11, 2006, by Roll Call No. 06-1768, the City Council adopted a recommendation from the City Plan and Zoning Commission that the East 10 feet of SE 10th Street and the West 10 feet of SE 11th Street adjoining 1005 Maury Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is purchasing property abutting such right-of-way from the City of Des Moines for a senior housing facility 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; and

WHEREAS, on October 9, 2006, by Roll Call No. 06-1972, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on October 23, 2006, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-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 right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the East 10 feet of SE 10th Street and the West 10 feet of SE 11th Street adjoining 1005 Maury Street, more specifically described as follows:

The East 10.0 feet of Southeast 10th Street right-of-way lying West of and adjoining Lots 1 through 5, Block 5, Allen’s Second Addition to Des Moines, an Official Plat; and the West 10.0 feet of Southeast 11th Street right-of-way lying East of and adjoining Lots 6 through 10, of said Block 5, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
[Signature]
10/23/06 14:23

★ Roll Call Number

Agenda Item Number

48

Dispositions – The Southern Rose, L.P.: Page 2

Date October 23, 2006

3. That the sale and conveyance of such right-of-way to The Southern Rose, L.P. for \$5,600, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

The East 10.0 feet of vacated Southeast 10th Street right-of-way lying West of and adjoining Lots 1 through 5, Block 5, Allen’s Second Addition to Des Moines, an Official Plat; and the West 10.0 feet of vacated Southeast 11th Street right-of-way lying East of and adjoining Lots 6 through 10, of said Block 5, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 right-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.

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 grantees.

8. The proceeds from the sale of this property will be deposited into the following account: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

DESCRIPTION REVIEWED
James J. C. [Signature]
1-4-56

★ Roll Call Number

Agenda Item Number

48

Date October 23, 2006

Dispositions – The Southern Rose, L.P.: Page 3

(Council Communication No. 06-672)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

RSW

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