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Date November 6, 2006

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF PORTIONS OF RIGHTS-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF COUNTY LINE ROAD AND FLEUR DRIVE TO UNITED PROPERTIES INVESTMENT COMPANY, L.C. FOR \$86,000

WHEREAS, on November 7, 2005, by Roll Call No. 05-2658, the City Council adopted a recommendation from the City Plan and Zoning Commission that portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive, hereinafter more fully described, be vacated and sold; and

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

WHEREAS, on October 23, 2006, by Roll Call No. 06-2089, 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 November 6, 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 portions of rights-of-way located at the Southwest corner of County Line Road and Fleur Drive, more specifically described as follows:

PARCEL "A"

A TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5 AND IN THE NW FRL ¼ NW FRL ¼ OF SECTION 5, ALL IN TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

DESCRIPTION REVIEWED
11/9/06 12:30

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Date November 6, 2006

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH LINE OF NW FRL ¼ OF SAID SECTION, A DISTANCE OF 162.23 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, AND THE POINT OF BEGINNING; THENCE SOUTH 77°38'00" WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 726.99 FEET TO A DEFLECTION POINT IN SAID LINE; THENCE NORTH 89°27'29" WEST ALONG SAID LINE, A DISTANCE OF 415.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 83RD AVENUE; THENCE NORTH 89°20'28" WEST, A DISTANCE OF 79.78 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 83RD AVENUE; THENCE NORTH 00°21'14" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 9.52 FEET; THENCE 48.60 FEET ALONG A 11,532.91 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 48.60 FEET AND BEARS NORTH 81°32'05" EAST; THENCE NORTH 81°24'50" EAST, A DISTANCE OF 656.17 FEET; THENCE 484.62 FEET ALONG A 3,230.83 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 484.17 FEET AND BEARS NORTH 85°42'40" EAST; THENCE SOUTH 89°59'30" EAST, A DISTANCE OF 25.83 FEET, TO THE POINT OF BEGINNING; CONTAINING 1.46 ACRES, OF WHICH 1.45 ACRES ARE IN THE NE FRL ¼ NW FRL ¼, AND 0.01 ACRES ARE IN THE NW FRL ¼ NW FRL ¼.

PARCEL "B"


A TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH SECTION LINE OF SAID NW ¼, A DISTANCE OF 103.69 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, AND THE POINT OF BEGINNING; THENCE SOUTH 89°59'30" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 19.53 FEET; THENCE SOUTH 00°10'49" WEST, A DISTANCE OF 322.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5; THENCE NORTH 89°44'40" WEST ALONG SAID LINE, A DISTANCE OF 44.99 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, THENCE NORTH 04°41'34" EAST ALONG SAID LINE, A DISTANCE OF 323.61 FEET TO THE POINT OF BEGINNING; CONTAINING 0.24 ACRES.

3. That the sale and conveyance of such rights-of-way, as described below, to United Properties Investment Company, L.C. for \$86,000, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

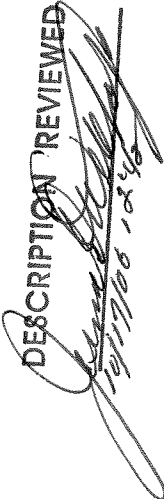
PARCEL "A"

A VACATED TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5 AND IN THE NW FRL ¼ NW FRL ¼ OF SECTION 5, ALL IN TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

10/17/06 12:19p
 DESCRIPTION REVIEWED


Date November 6, 2006

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH LINE OF NW FRL ¼ OF SAID SECTION, A DISTANCE OF 162.23 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, AND THE POINT OF BEGINNING; THENCE SOUTH 77°38'00" WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 726.99 FEET TO A DEFLECTION POINT IN SAID LINE; THENCE NORTH 89°27'29" WEST ALONG SAID LINE, A DISTANCE OF 415.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 83RD AVENUE; THENCE NORTH 89°20'28" WEST, A DISTANCE OF 79.78 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID 83RD AVENUE; THENCE NORTH 00°21'14" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 9.52 FEET; THENCE 48.60 FEET ALONG A 11,532.91 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 48.60 FEET AND BEARS NORTH 81°32'05" EAST; THENCE NORTH 81°24'50" EAST, A DISTANCE OF 656.17 FEET; THENCE 484.62 FEET ALONG A 3,230.83 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 484.17 FEET AND BEARS NORTH 85°42'40" EAST; THENCE SOUTH 89°59'30" EAST, A DISTANCE OF 25.83 FEET, TO THE POINT OF BEGINNING; CONTAINING 1.46 ACRES, OF WHICH 1.45 ACRES ARE IN THE NE FRL ¼ NW FRL ¼, AND 0.01 ACRES ARE IN THE NW FRL ¼ NW FRL ¼.

DESCRIPTION REVIEWED


PARCEL "B"

A VACATED TRACT OF LAND LOCATED IN THE NE FRL ¼ NW FRL ¼ OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, WARREN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 5; THENCE NORTH 89°(DEGREES) 59'(MINUTES) 30"(SECONDS) WEST ALONG THE NORTH SECTION LINE OF SAID NW ¼, A DISTANCE OF 103.69 FEET; THENCE SOUTH 00°00'30" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, AND THE POINT OF BEGINNING; THENCE SOUTH 89°59'30" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 19.53 FEET; THENCE SOUTH 00°10'49" WEST, A DISTANCE OF 322.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5; THENCE NORTH 89°44'40" WEST ALONG SAID LINE, A DISTANCE OF 44.99 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLEUR DRIVE, THENCE NORTH 04°41'34" EAST ALONG SAID LINE, A DISTANCE OF 323.61 FEET TO THE POINT OF BEGINNING; CONTAINING 0.24 ACRES.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyances 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

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Dispositions – United Properties Investment Company, L.C.: Page 4

Date November 6, 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 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.

(Council Communication No. 06-690)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

pm

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk