

Date November 7, 2011

**HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY (WRA) FOR THE WRA NEW MAIN OUTFALL SEWER PHASE 17, SEGMENTS 3 & 4 PROJECT FOR \$88,700**

**WHEREAS**, on March 3, 1938, by Roll Call No. 5019, the City Council passed Ordinance No. 4413 vacating all that part of Southeast 21<sup>st</sup> Street extending from the south line of Lots 7 and 10 to the north line of Lots 3 and 14, Yount's Addition to the City of Des Moines, Iowa; and

**WHEREAS**, a portion of vacated Southeast 21<sup>st</sup> Street lying south of Maury Street and a portion of the City-owned real property to the west of vacated Southeast 21<sup>st</sup> Street is requested by the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for conveyance for salvage yard expansion to the owners of Yaw Auto Salvage, 919 SE 21<sup>st</sup> Street, in exchange and as consideration for easement interests needed by the WRA from the Yaws for the WRA New Main Outfall Sewer Phase 17, Segments 3 & 4 Project, which Land Exchange Agreement between the WRA and the Yaws was approved by the WRA Board at its meeting on October 18, 2011; and

**WHEREAS**, the WRA has offered to the City of Des Moines the purchase price of \$88,700 for the purchase of such vacated right-of-way and City-owned real property, more specifically described below, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the property proposed to be sold and the City will not be inconvenienced by the sale of said property; and

**WHEREAS**, on October 24, 2011, by Roll Call No. 11-1780, it was duly resolved by the City Council that the proposed conveyance of a portion of vacated Southeast 21<sup>st</sup> Street lying south of Maury Street and a portion of the City-owned real property west of vacated Southeast 21<sup>st</sup> Street, be set down for hearing on November 7, 2011, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed 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:

**Date** ..... November 7, 2011 .....

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of a portion of vacated Southeast 21<sup>st</sup> Street lying south of Maury Street and a portion of the City-owned real property west of vacated Southeast 21<sup>st</sup> Street, more specifically described as follows:

Parcel "B" located in part of Lot 2 of the Official Plat of the N.E. 1/4 of Section 11 and part of the S.E. 1/4 of Section 11, all in Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Polk County, Iowa. Said Parcel "B" being more particularly described as follows:

Commencing as a point of reference at the East 1/4 corner of said Section 11; thence North 00°(degrees) 16'(minutes) 07"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network, South Zone), 647.02 feet along the East line of said N.E. 1/4; thence South 89°43'53" West, 851.32 feet perpendicular to the preceding course to a point on the East line of vacated SE 21<sup>st</sup> Street, said point being on the East line of that property conveyed to the City of Des Moines in Book 4241 on Page 254 in the Recorder's Office of said Polk County, said point also being the point of beginning; thence South 00°22'09" East, 720.76 feet along said East line to the South line of said City of Des Moines property; thence North 77°20'34" West, 123.17 feet along said South line to a line parallel with and 60 feet West of said vacated SE 21<sup>st</sup> Street; thence North 00°22'09" West, 466.45 feet along said line parallel with and 60 feet West of the West line of said vacated SE 21<sup>st</sup> Street to the South line of Parcel "A" recorded in Book 12937 on Page 59 in said Recorder's Office; thence South 81°17'36" East, 60.76 feet along said South line of Parcel "A" to the Southeast corner of said Parcel "A"; thence North 00°22'09" West, 236.13 feet along the East line of Parcel "A", said line also being the West line of said vacated SE 21<sup>st</sup> Street; thence North 89°37'46" East, 60.00 feet to the point of beginning.

Containing 70,945 square feet or 1.63 acres, more or less.

3. That the sale and conveyance of such City-owned real property to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for \$88,700, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Clerk is authorized and directed to forward the original of this Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the

Date November 7, 2011

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 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: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 11-681)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*  
 \_\_\_\_\_  
 Glenna K. Frank, Assistant City Attorney

*RAW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
KIERNAN				
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