

Date March 21, 2016

HOLD HEARING FOR VACATION AND CONVEYANCE OF STREET RIGHTS-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF INDIANOLA ROAD AND INDIANOLA AVENUE TO QUIKTRIP CORPORATION FOR \$75,536

WHEREAS, on October 12, 2015, by Roll Call No. 15-1690, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that an irregular parcel of right-of-way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property at 1930 Indianola Avenue and 1941 South Union Street, ("City Right-of-Way"), hereinafter more fully described, be vacated as requested by QuikTrip Corporation, subject to reservation of necessary easements for utilities now in place; and

WHEREAS, QuikTrip Corporation has offered to the City of Des Moines, Iowa ("City") the purchase price of \$75,536.00 for the vacation and purchase of said irregular parcel of right-of-way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property at 1930 Indianola Avenue and 1941 South Union Street, for development and construction of a QuikTrip convenience store with fuel sales, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

WHEREAS, the sale of the City Right-of-Way is subject to QuikTrip Corporation granting to the City a Permanent Easement for Utility Corridor across a portion of the City Right-of-Way in the form attached hereto, and to the conditions set forth in the offer to purchase; and

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

WHEREAS, on March 7, 2016, by Roll Call No. 16-0387, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on March 21, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City 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 City Council direction, those interested in the 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 of the City of Des Moines, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said irregular parcel of street right-of-way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property at 1930 Indianola Avenue and 1941 South Union Street, as legally described below, and said vacation is hereby approved:

Description (Parcel "C" in SW 1/4 of SW 1/4 SECTION 10-78-24)

PART OF LOT 4, OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., AND PART OF INDIANOLA ROAD ADJOINING LOT 4 OF SAID OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, AND PART OF INDIANOLA ROAD ADJOINING LOTS 8, 9, 10, 11,12, 13, CLIFTON HEIGHTS, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 69° (DEGREES) 56' (MINUTES) 23" (SECONDS) EAST ALONG THE SOUTHEAST LINE OF SAID LOT 8, TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF INDIANOLA ROAD AS IT IS PRESENTLY ESTABLISHED, 210.90 FEET TO POINT OF BEGINNING; THENCE NORTHWEST ALONG A 374.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 15° 50' 24", A CHORD DISTANCE OF 103.32 FEET, A CHORD BEARING OF NORTH 57° 23' 32" WEST, FOR AN ARC DISTANCE OF 103.65 FEET; THENCE NORTHWEST ALONG A 1,403.27 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 11° 58' 00", A CHORD DISTANCE OF 292.55 FEET, A CHORD BEARING OF NORTH 71° 17' 44" WEST, FOR AN ARC DISTANCE OF 293.08 FEET; THENCE NORTH 77° 16' 44" WEST, 14.23 FEET TO A POINT ON THE WEST LINE OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., SAID POINT LYING ON A LINE WITH A BEARING OF NORTH 00° 04' 09" EAST, 725.57 FEET FROM FOUND CONCRETE MONUMENT AT S.E. CORNER OF SAID SECTION 10; THENCE NORTH 00° 04' 09" EAST ALONG SAID WEST LINE , 32.15 FEET; THENCE NORTHEAST ALONG A 445.00 FOOT RADIUS CURVE CONCAVE NORTHWEST WITH A CENTRAL ANGLE OF 22° 14' 56", A CHORD DISTANCE OF 171.72 FEET, A CHORD BEARING OF NORTH 69° 08' 54" EAST, FOR AN ARC DISTANCE OF 172.80 FEET; THENCE SOUTHEAST ALONG A 20.50 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 84° 20' 43", A CHORD DISTANCE OF 27.53 FEET, A CHORD BEARING OF SOUTH 79° 48' 11" EAST, FOR AN ARC DISTANCE OF 30.18 FEET; THENCE SOUTH 37° 37' 48" EAST, 189.03 FEET; THENCE SOUTH 39° 23' 35" EAST, 118.17 FEET TO POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 28,219.4 SQUARE FEET.

AND

Description (Parcel "A" in SE 1/4 of SE 1/4 SECTION 9-78-24)

PART OF LOT 4, OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., AND PART OF INDIANOLA ROAD ADJOINING LOT 4 OF

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SAID OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, CLIFTON HEIGHTS, AN OFFICIAL PLAT; THENCE NORTH 69° (DEGREES) 56' (MINUTES) 23" (SECONDS) EAST ALONG THE SOUTHEAST LINE OF SAID LOT 8, TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF INDIANOLA ROAD AS IT IS PRESENTLY ESTABLISHED, 210.90 FEET; THENCE NORTHWEST ALONG A 374.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 15° 50' 24", A CHORD DISTANCE OF 103.32 FEET, A CHORD BEARING OF NORTH 57° 23' 32" WEST, FOR AN ARC DISTANCE OF 103.65 FEET; THENCE NORTHWEST ALONG A 1,403.27 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 11° 58' 00", A CHORD DISTANCE OF 292.55 FEET, A CHORD BEARING OF NORTH 71° 17' 44" WEST, FOR AN ARC DISTANCE OF 293.08 FEET; THENCE NORTH 77° 16' 44" WEST TO THE WEST LINE OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., 14.23 FEET TO POINT OF BEGINNING, SAID POINT LYING ON A LINE WITH A BEARING OF NORTH 00° 04' 09" EAST, 725.57 FEET FROM FOUND CONCRETE MONUMENT AT S.E. CORNER OF SAID SECTION 10; THENCE NORTH 77° 16' 44" WEST, 17.64 FEET; THENCE NORTHEAST ALONG A 16.00 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 125° 24' 35", A CHORD DISTANCE OF 28.44 FEET, A CHORD BEARING OF NORTH 18° 37' 56" EAST, FOR AN ARC DISTANCE OF 35.02 FEET; THENCE NORTHEAST ALONG A 445.00 FOOT RADIUS CURVE CONCAVE NORTHWEST WITH A CENTRAL ANGLE OF 1° 03' 54", A CHORD DISTANCE OF 8.27 FEET, A CHORD BEARING OF NORTH 80° 48' 19" EAST, FOR AN ARC DISTANCE OF 8.27 FEET; THENCE SOUTH 00° 04' 09" WEST, 32.15 FEET TO POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 556.5 SQUARE FEET.

3. The proposed sale of such vacated right-of-way, as legally described below, to QuikTrip Corporation for \$75,536.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, and conveyance of a Permanent Easement for Utility Corridor, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase, is hereby approved:

Description (Parcel "C" in SW 1/4 of SW 1/4 SECTION 10-78-24)

PART OF VACATED LOT 4, OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., AND PART OF VACATED INDIANOLA ROAD ADJOINING LOT 4 OF SAID OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, AND PART OF VACATED INDIANOLA ROAD ADJOINING LOTS 8, 9, 10, 11,12, 13, CLIFTON HEIGHTS, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 69° (DEGREES) 56' (MINUTES) 23" (SECONDS) EAST ALONG THE SOUTHEAST LINE OF SAID LOT 8, TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF INDIANOLA ROAD AS IT IS PRESENTLY ESTABLISHED, 210.90 FEET TO POINT OF BEGINNING; THENCE NORTHWEST ALONG A 374.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 15° 50' 24", A CHORD DISTANCE OF 103.32 FEET, A CHORD BEARING OF NORTH 57° 23' 32" WEST,

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FOR AN ARC DISTANCE OF 103.65 FEET; THENCE NORTHWEST ALONG A 1,403.27 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 11° 58' 00", A CHORD DISTANCE OF 292.55 FEET, A CHORD BEARING OF NORTH 71° 17' 44" WEST, FOR AN ARC DISTANCE OF 293.08 FEET; THENCE NORTH 77° 16' 44" WEST, 14.23 FEET TO A POINT ON THE WEST LINE OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST, OF THE 5TH P.M., SAID POINT LYING ON A LINE WITH A BEARING OF NORTH 00° 04' 09" EAST, 725.57 FEET FROM FOUND CONCRETE MONUMENT AT S.E. CORNER OF SAID SECTION 10; THENCE NORTH 00° 04' 09" EAST ALONG SAID WEST LINE, 32.15 FEET; THENCE NORTHEAST ALONG A 445.00 FOOT RADIUS CURVE CONCAVE NORTHWEST WITH A CENTRAL ANGLE OF 22° 14' 56", A CHORD DISTANCE OF 171.72 FEET, A CHORD BEARING OF NORTH 69° 08' 54" EAST, FOR AN ARC DISTANCE OF 172.80 FEET; THENCE SOUTHEAST ALONG A 20.50 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 84° 20' 43", A CHORD DISTANCE OF 27.53 FEET, A CHORD BEARING OF SOUTH 79° 48' 11" EAST, FOR AN ARC DISTANCE OF 30.18 FEET; THENCE SOUTH 37° 37' 48" EAST, 189.03 FEET; THENCE SOUTH 39° 23' 35" EAST, 118.17 FEET TO POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 28,219.4 SQUARE FEET.

AND

Description (Parcel "A" in SE 1/4 of SE 1/4 SECTION 9-78-24)

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DISTANCE OF 8.27 FEET, A CHORD BEARING OF NORTH 80° 48' 19" EAST, FOR AN ARC DISTANCE OF 8.27 FEET; THENCE SOUTH 00° 04' 09" WEST, 32.15 FEET TO POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 556.5 SQUARE FEET.

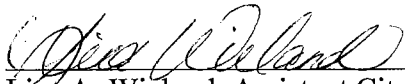
4. The Mayor is authorized and directed to sign the Permanent Easement for Utility Corridor, Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the originals of the Permanent Easement for Utility Corridor, Offer to Purchase and Quit Claim 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 originals of the Permanent Easement for Utility Corridor, Offer to Purchase and Quit Claim 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 grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 16-153)

Date March 21, 2016

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

psw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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