

Date December 5, 2016

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED EAST OF AND ADJOINING 3269 EAST DOUGLAS AVENUE TO MELVIN R. SPECK II AND VICKI R. SPECK FOR \$2,500**

**WHEREAS**, on August 17, 1998, by Roll Call No. 98-2572, the City Council of the City of Des Moines, Iowa approved Ordinance No. 13,633 vacating a portion of the East 33<sup>rd</sup> Street right-of-way between East Douglas Avenue and East Clinton Avenue, Des Moines, Iowa (“Property”), more particularly described below; and

**WHEREAS**, Melvin R. Speck II and Vicki R. Speck, owners of the real property known as 3269 East Douglas Avenue which adjoins the Property, have offered to the City of Des Moines, Iowa (“City), the purchase price of \$2,500.00 for the purchase of said Property in order to incorporate it into their adjoining residential parcel, which price reflects the restricted-use fair market value of the Property as determined 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 conveyance of said Property; and

**WHEREAS**, on November 21, 2016, by Roll Call No. 16-1991, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on December 5, 2016, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to convey the 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 the 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of City-owned real property located east of and adjoining 3269 East Douglas Avenue, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the Property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the Property, legally described as follows, to Melvin R. Speck II and Vicki R. Speck for \$2,500.00, and said conveyance is hereby approved, subject to the

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reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to the reservation of a no-build easement:

A PART OF THE VACATED EAST 33<sup>RD</sup> STREET RIGHT OF WAY PARTIALLY LYING WITHIN LOT A OF DOUGLAS ACRES PLAT 4, AN OFFICIAL PLAT, AND LYING WITHIN THE NORTH HALF (1/2) OF SECTION 29, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE SPECIFICALLY DESCRIBED AS THE FOLLOWING DESCRIBED PARCEL EXCEPT THE SOUTH 169.73 THEREOF AS MEASURED ON THE WEST LINE OF SAID PARCEL: COMMENCING AS A POINT OF REFERENCE AT THE NORTH QUARTER (1/4) CORNER OF SAID SECTION 29; THENCE SOUTH 0° (DEGREE) 22' (MINUTES) 49" (SECONDS) WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION 29, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°54'17" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF EAST DOUGLAS AVENUE, 94.51 FEET; THENCE SOUTH 18°57'59" WEST, 296.52 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION 29; THENCE CONTINUING SOUTH 18°57'59" WEST, 17.16 FEET; THENCE SOUTHWEST ALONG A 533 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 8°28'46", A CHORD DISTANCE OF 78.81 FEET, A CHORD BEARING OF SOUTH 14°43'43" WEST FOR AN ARC DISTANCE OF 78.88 FEET; THENCE NORTH 0°22'49" EAST, 372.73 FEET; THENCE NORTH 89°18'44" EAST, 25 FEET TO THE POINT OF BEGINNING; AND SHOWN BY THE PLAT OF SURVEY LABELED EXHIBIT "A" IN RECORDED BOOK 7996 AND PAGE 826 (SEE PAGE 828 FOR PLAT OF SURVEY), RECORDED AT THE POLK COUNTY RECORDER'S OFFICE; AND CONTAINING APROXIMATELY 0.396 ACRES (17,264 SQUARE FEET).

3. The Mayor is authorized and directed to sign the 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.
4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
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 original of the 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 original of the 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.

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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 grantee.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 16- 691)

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

APPROVED AS TO FORM:

*Lisa A. Wieland*  
Lisa A. Wieland, Assistant City Attorney

PCW

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