

Date February 10, 2014

HOLD HEARING FOR CONVEYANCE OF PROPERTY PURCHASED FOR
THE EUCLID AVENUE INTERSECTION IMPROVEMENTS PROJECT TO
THE STATE OF IOWA, FOR THE BENEFIT AND USE OF THE
IOWA DEPARTMENT OF TRANSPORTATION (IDOT)

WHEREAS, on September 13, 2010, by Roll Call No. 10-1438, the City Council approved and authorized the execution of Iowa Department of Transportation Agreements for Euclid Avenue Intersection Improvements (Agreement Nos. 2011-TS-019, 2011-TS-020 and 2011-TS-021); and

WHEREAS, on May 23, 2011, by Roll Call No. 11-0883, the City Council authorized acquisition of the necessary right-of-way and easements for the Euclid Avenue Intersection Improvements Project by gift, negotiation, or condemnation; and

WHEREAS, in order to effectuate the IDOT agreements, it is necessary for the City of Des Moines to transfer public road jurisdiction and convey certain right-of-way acquired by the City for the Project, as described below, by Quit Claim Deed to the State of Iowa, for the benefit and use of the IDOT, in accordance with Sections 306.42 and 364.7(3) of the Iowa Code; and

WHEREAS, on January 27, 2014, by Roll Call No. 14-0141, it was duly resolved by the City Council that the proposed conveyance of real property purchased for the Euclid Avenue Intersection Improvements Project, be set down for hearing on February 10, 2014, at 5:00 p.m., in the City Council Chamber; 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed jurisdictional transfer and conveyance of this property as described below are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the transfer of public road jurisdiction and conveyance of property in the vicinity of 222 East Euclid Avenue to the State of Iowa, for the benefit and use of the Iowa Department of Transportation, as required for the Euclid Avenue Intersection Improvements Project, which right-of-way was acquired by the City of Des Moines pursuant to Condemnation recorded on January 6, 2014, in Book 15076, Page 202 in the office of the Polk County Recorder, and is legally described as follows:

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A PART OF LOT 12, BLOCK 17, HIGHLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTH 89°(DEGREES) 57'(MINUTES) 31"(SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 117.07 FEET TO THE POINT OF BEGINNING; THENCE NORTH 55°28'20" EAST, 17.66 FEET TO A POINT ON THE EAST LINE OF SAID LOT 12; THENCE SOUTH 0°17'12" WEST ALONG SAID EAST LINE, 10.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 89°57'31" WEST ALONG SAID SOUTH LINE, 14.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 73 SQUARE FEET.

3. The public would not be inconvenienced by reason of the transfer of public road jurisdiction and conveyance of property in the vicinity of East Euclid Avenue and Columbia Street, District/Parcel No. 070/00146-000-000, to the State of Iowa, for the benefit and use of the Iowa Department of Transportation, as required for the Euclid Avenue Intersection Improvements Project, which right-of-way was acquired by the City of Des Moines pursuant to Condemnation recorded on January 2, 2014, in Book 15074, Page 80 in the office of the Polk County Recorder, and is legally described as follows:

A PART OF LOT 12, BLOCK 5, PLAT 1 OF AUBURN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 11 OF SAID BLOCK 5; THENCE SOUTH 0°(DEGREES) 08'(MINUTES) 50"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK, 91.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°08'50" WEST, 8.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 89°57'31" WEST ALONG THE SOUTH LINE OF SAID LOT, 7.00 FEET; THENCE NORTH 38°44'00" EAST, 11.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 31 SQUARE FEET.

4. That the jurisdictional transfer and conveyance by the City of Des Moines of the above described right-of-way to the State of Iowa, for the benefit and use of the Department of Transportation, in accordance with Sections 306.42 and 364.7(3) of the Iowa Code, be and is hereby approved.

5. 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.

6. 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 Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

7. 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.

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 14-0233

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- 8. 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.
- 9. There will be no proceeds associated with the conveyance of this property.

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

 Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

BRW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u> T. M. Franklin Cooney </u> 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.

 Diane Rauh City Clerk