 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 23, 2012
	Agenda Item No. 39 Roll Call No. <u>12-1194</u> Communication No. <u>12-394</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of the north/south alley adjoining 815 High Street to Cathedral Church of St. Paul of the City of Des Moines, Iowa for \$1,000.

SYNOPSIS:

Recommend approval for vacation and conveyance of the north/south alley adjoining 815 High Street between 8th Street and 9th Street and from High Street to Pleasant Street, to Cathedral Church of St. Paul of the City of Des Moines, Iowa, Al Geiger, Senior Warden, 815 High Street, Des Moines, Iowa, 50309-2714, for \$1,000. This property is being requested to allow development of a pedestrian plaza on the east side of St. Paul’s existing cathedral.

Following the June 25, 2012 Public Hearing, by Roll Call No. 12-1041, it was determined that notice of the time and place of the public hearing on June 25, 2012 was not published pursuant to Code of Iowa Sections 364.7 and 362.3, and thus the June 25, 2012 public hearing on the proposed vacation and conveyance was defective and the hearing was reset and properly noticed. There is no current or anticipated public need for this property. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

FISCAL IMPACT:

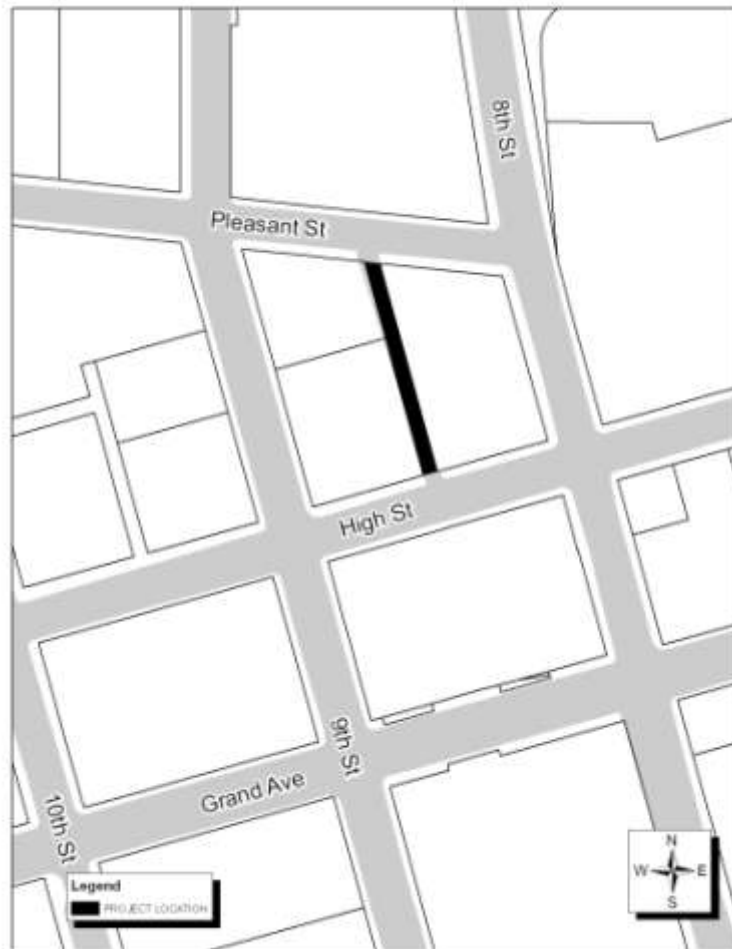
Amount: \$1,000 (Revenue)

Funding Source: Sale proceeds will be deposited into the Property Maintenance Endowment Fund, SP767, ENG980500. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001, ENG040700) to offset the operating budget of the Engineering – Real Estate Division.

ADDITIONAL INFORMATION:

On June 11, 2012, by Roll Call No. 12-0881, the City Council received a recommendation from the Plan and Zoning Commission to vacate the north/south alley between 8th Street and 9th Street, from High Street to Pleasant Street, subject to provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by City Council, and further subject to reservation of an easement for utilities currently in place until such time as they are abandoned or relocated at the applicant’s expense.

The Cathedral Church of St. Paul of the City of Des Moines, Iowa is the owner of property at 815 High Street and has agreed to purchase the adjoining alley right-of-way for \$1,000, to allow for development of a pedestrian plaza on the east side of their existing cathedral. The closing on the sale of this property will be subject to and occur after the Buyer's obtaining and acceptance of an Open Spaces Sacred Places Grant. Use of the property will be restricted to greenspace and public pedestrianway, and the property will be subject to a no-build restriction that prohibits construction of any structure or improvement on the property except as shown on the RDG conceptual plan attached to the Offer to Purchase. The property to be conveyed consists of approximately 4190.22 square feet, and the purchase price of \$1,000 reflects the restricted use fair market value of the property as estimated by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: July 9, 2012

Roll Call Number: [12-1084](#)

Action : On vacation and conveyance of north/south alley adjoining 815 High Street to the Cathedral Church of St. Paul, \$1,000 to correct a publication error, (7-23-12). Moved by Hensley to adopt. Motion Carried 6-1. Pass: Moore.

Date: June 25, 2012

Roll Call Number: [12-1041](#)

Action: [On](#) vacation and conveyance of north/south alley adjoining 815 High Street to the Cathedral Church of St. Paul, \$1,000. ([Council Communication No. 12-341](#)). Moved by Hensley to adopt. Motion Carried 6-1. Pass: Moore.

Date: June 11, 2012

Roll Call Number: [12-0882](#)

Action: [Setting](#) date of hearing on vacation and conveyance of north/south alley adjoining 815 High Street to the Cathedral Church of St. Paul, \$1,000, (6-25-12). Moved by Hensley to adopt. Motion Carried 6-0. Council Member Moore declares a conflict of interest and abstains from voting.

Date: June 11, 2012

Roll Call Number: [12-0881](#)

Action: [Regarding](#) request from Cathedral Church of St. Paul for vacation and conveyance of the north/south alley adjoining 815 High Street to allow development of a pedestrian plaza on the east side of the existing cathedral. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-0. Council Member Moore declares a conflict of interest and abstains from voting.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: June 7, 2012

Resolution Number: 11-2012-1.07

Action: Request from the Cathedral Church of St. Paul of the City of Des Moines, Iowa (owner) 815 High Street, represented by Al Geiger (officer), to vacate the north/south alley between 8th Street and 9th Street from High Street to Pleasant Street, to allow development of a pedestrian plaza on the east side of the existing cathedral.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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