

Date..... March 12, 2007

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED VACATION AND SALE OF PORTIONS OF 13th AND CHERRY STREETS TO NATIONWIDE MUTUAL INSURANCE COMPANY

WHEREAS, on October 9, 2006, by Roll Call No. 06-1970, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of Cherry Street between 12th and 13th Streets, and a portion of 13th Street between Mulberry and Cherry Streets, hereinafter more fully described, be vacated and sold; and,

WHEREAS, the planned realignment of 13th Street between Locust and Walnut Streets will leave a two foot wide strip along the east side of the street which is available for vacation and sale to Nationwide Mutual Insurance Company ("Nationwide") for assembly into the site of its new office building to be constructed upon the block bounded by Locust, Walnut, 12th and 13th Streets; and,

WHEREAS, Nationwide is acquiring all of the block bounded by 12th, 13th, Mulberry and Cherry Streets, and seeks to acquire the adjoining portions of 13th and Cherry Streets described below, for the construction of a new parking garage to serve the new office building; and,

WHEREAS, the City Manager has negotiated an *Agreement for Exchange of Real Estate* with Nationwide for the sale of the City-owned land described below and for the City to undertake certain improvements to the adjoining streets, in exchange for the conveyance by Nationwide to the City of land needed for the planned widening of Mulberry and 12th Streets, and an additional payment by Nationwide as described below; NOW THEREFORE,

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

- 1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of Cherry Street between 12th and 13th Streets, a portion of 13th Street between Mulberry and Cherry Streets, and a two foot strip of 13th Street between Locust and Walnut Streets, more specifically described as follows:

Cherry Street between 12th and 13th Streets:

All the vacated Cherry Street right-of-way lying South of and adjoining Lot 5, 6 and 7, and lying South of and adjoining the vacated 13th Street right-of-way lying West of and adjoining said Lot 5, and lying South of and adjoining the vacated North/South alley right-of-way between said Lots 6 and 7, and lying South of and adjoining the West 54.46 feet of Lot 8, of Block 30, Keen & Poindexter's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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13th Street between Mulberry and Cherry Streets:

All the vacated 13th Street right-of-way lying West of and adjoining the South 118.0 feet of Lot 4, and lying West of and adjoining Lot 5, and lying West of and adjoining the vacated East/West alley right-of-way between said Lots 4 and 5, of Block 30, Keen & Poindexter's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

East 2 feet of 13th Street between Locust and Walnut Streets:

The West 2.0 feet of the East 32.91 feet of Lot 6, Block 2, Allen's Addition, an Official Plat; all the East/West alley right-of-way lying South of and adjoining the West 2.0 feet of the East 32.91 feet of said Lot 6; and the East 2.0 feet of that part of vacated 13th Street right-of-way lying West of and adjoining Lot 4, Block 28, Keene & Poindexter's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to sell and convey such vacated rights-of-way to Nationwide Mutual Insurance Company in exchange for the following real estate to be conveyed by Nationwide to the City and for the additional consideration of \$40,318.00, all as more specifically described in the *Agreement for Exchange of Real Estate* now on file and available for public inspection in the office of the City Clerk.

The North 14.0 feet of Lots 1, 2, 3 and 4; and the North 14.0 feet of the vacated North/South alley right-of-way lying West of and adjoining the said Lot 2, in Block 30, Keen & Poindexter's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND, the East 12.0 feet of Lot 1, except the North 14.0 feet thereof; the East 12.0 feet of the vacated East/West alley right-of-way lying South of and adjoining said Lot 1; and the East 12.0 feet of Lot 8, in Block 30, Keen & Poindexter's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the meeting of the City Council at which the adoption of said ordinance and the approval of the *Agreement for Exchange of Real Estate* is to be considered shall be on March 26, 2007, said meeting to be held at 5:00 p.m., in the Council Chambers.

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4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

(Council Communication No. 07- 130)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

C:\Rog\Eco Dev\Nationwide\2nd Phase\Sale of ROW\RC Vac & Conv.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

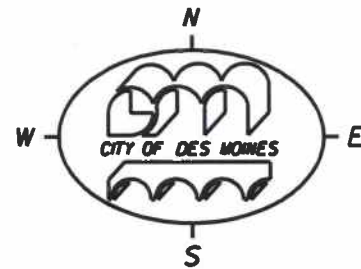
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Mayor

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



DISPOSITION OF PORTIONS OF 13th AND CHERRY STREET RIGHT OF WAY TO NATIONWIDE MUTUAL INSURANCE COMPANY FOR THE ALLIED EXPANSION - PARKING GARAGE PROJECT.



ACQUISITION FROM NATIONWIDE MUTUAL INSURANCE COMPANY FOR THE 12th, 13th, AND MULBERRY STREET WIDENING PROJECT BEING DONE IN CONJUNCTION WITH THE ALLIED EXPANSION - PARKING GARAGE PROJECT.