

Date May 21, 2007

SET DATE OF HEARING FOR THE VACATION AND LEASE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY BETWEEN 3<sup>RD</sup> AND 4<sup>TH</sup> STREETS AND GRAND AVENUE AND LOCUST STREET TO STOREY KENWORTHY COMPANY FOR PARKING

WHEREAS, on October 9, 2006, by Roll Call No. 06-1969, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North/South alley between 3<sup>rd</sup> and 4<sup>th</sup> Streets and Grand Avenue and Locust Street adjoining 307 Locust Street, hereinafter more fully described, be vacated and leased to the adjoining property owner at 307 Locust Street, Storey Kenworthy Company; and

WHEREAS, Storey Kenworthy Company desires to lease the above described property for use as parking for its employees; and

WHEREAS, Storey Kenworthy Company has agreed to a Lease Agreement for the below described right-of-way, a copy of each which is on file in the City Clerk's Office, for a period of approximately 5 years from the date of execution until June 30, 2012, renewable yearly thereafter upon mutual agreement of the parties, for \$200.00 per month rent.

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

- 1. The City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the North/South alley between 3<sup>rd</sup> and 4<sup>th</sup> Streets and Grand Avenue and Locust Street adjoining 307 Locust Street, more specifically described as follows:

THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK 6, BIRD'S ADDITION, AN OFFICIAL PLAT, AND LYING WEST OF AND ADJOINING THE SOUTH 20.0 FEET OF LOT 2 OF SAID BLOCK 6, AND LYING SOUTH OF AND ADJOINING THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY VACATED BY ORDINANCE NO. 10,308, MAY 2, 1983. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

DESCRIPTION APPROVED [Signature] 05/18/07 15:00

- 2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to lease such right-of way, as described below, to Storey Kenworthy Company for a term of approximately 5 years from the date of execution until June 30, 2012, renewable yearly thereafter upon mutual agreement of the parties, for \$200.00 per month rent:

Date May 21, 2007

DESCRIPTION APPROVED

*Ann DiDonato*  
5/21/07 15:22

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK 6, BIRD'S ADDITION, AN OFFICIAL PLAT, AND THAT PART OF VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING THE SOUTH 10.00 FEET OF LOT 2 OF SAID BLOCK 6, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

(VACATED BY ORDINANCE NO. \_\_\_\_\_, DATED \_\_\_\_\_, 2007).

3. That the meeting of the City Council at which the adoption of said ordinance and the public hearing on the lease of such real estate is to be considered shall be on June 4, 2007 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. The City Clerk is hereby authorized and directed to publish notice of the proposal in the form hereto attached not less than four nor more than twenty days from the date of the hearing.

**(Council Communication No. 07-288 )**

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Ann DiDonato  
Assistant City Attorney

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

MOTION CARRIED APPROVED

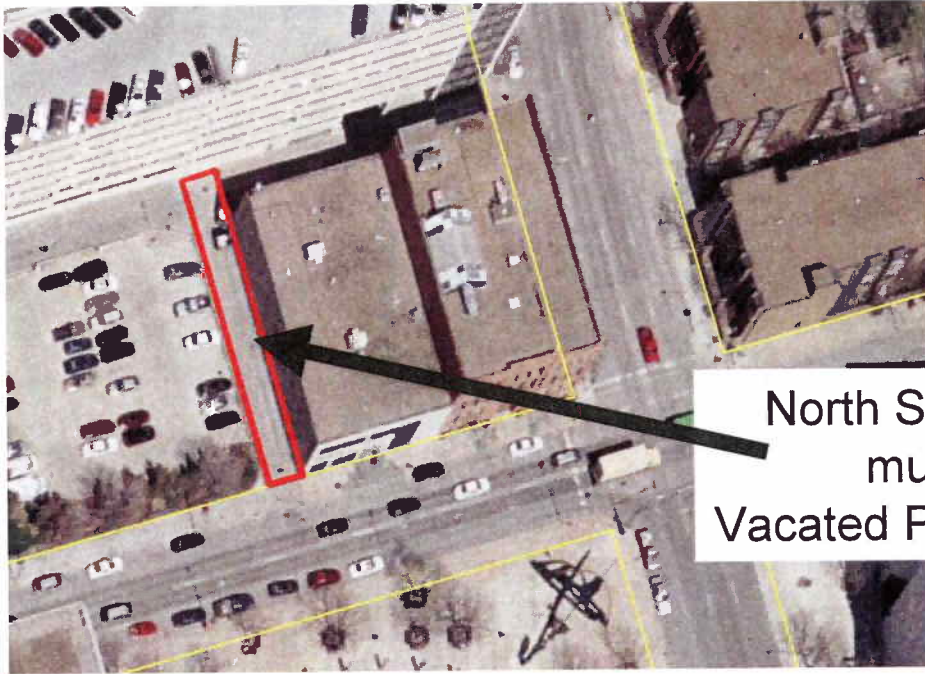
.....  
Mayor

**CERTIFICATE**

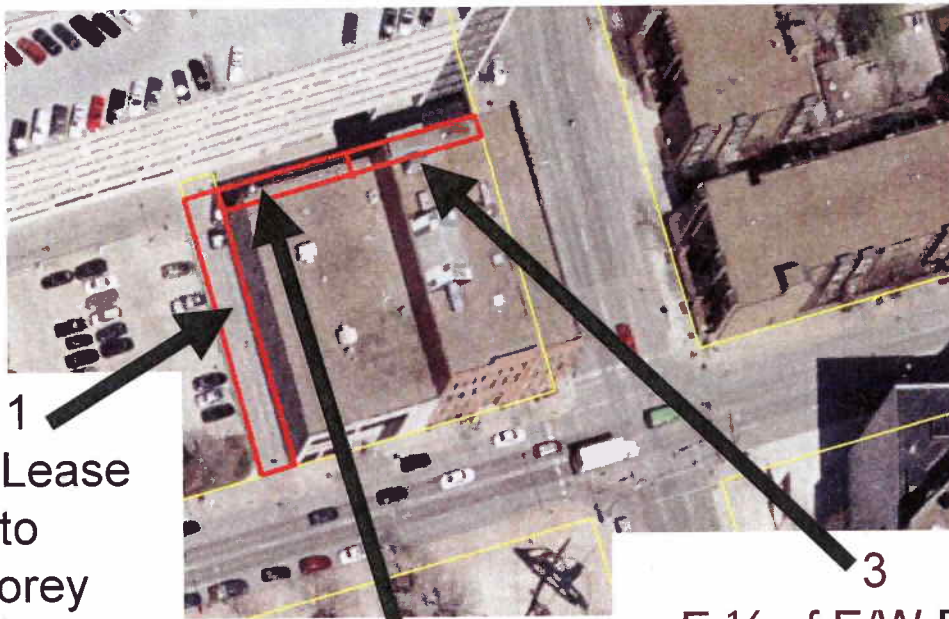
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk



North South Alley  
must be  
Vacated Prior to Lease



1  
N/S Lease  
to  
Storey  
Kenworthy

2  
W 1/2 of E/W Parcel  
Lease to  
Storey Kenworthy

3  
E 1/2 of E/W Parcel  
Lease to Gerleman