

Date June 4, 2007

HOLD HEARING FOR THE VACATION AND LEASE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY BETWEEN 3RD AND 4TH 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 3rd and 4th 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 below described property for use as parking for its employees; and

WHEREAS, Storey Kenworthy Company has agreed to a Lease Agreement for the below described property, 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; and

WHEREAS, on May 21, 2007, by Roll Call No. 07-_____, it was duly resolved by the City Council that the proposed vacation and lease of such right-of-way be set down for hearing on May 21, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and lease public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and lease, 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, the objections to said proposed vacation and lease of public right-of-way, as described below, are hereby overruled and the hearing is closed.

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2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the North/South alley between 3rd and 4th 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
5/18/07
[Signature]

3. That the lease of 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 be and is hereby approved:

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).

4. The Mayor is authorized and directed to sign the Lease Agreement identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way, the City Clerk is authorized and directed to forward the original of the said Lease the City Properties Administrator for the purpose of causing said documents to be mailed to Storey Kenworthy Company.

★ **Roll Call Number**

Agenda Item Number

52A

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6. The proceeds from the lease of this property will be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, Fund SP 767, PKS161625.

(Council Communication No. 07-341)

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

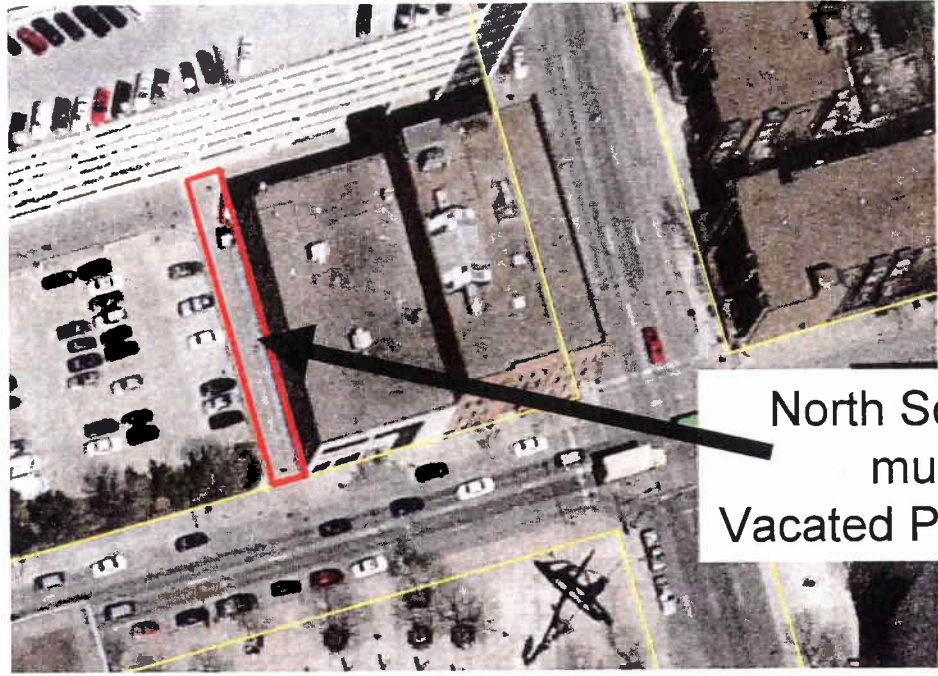
CERTIFICATE

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.

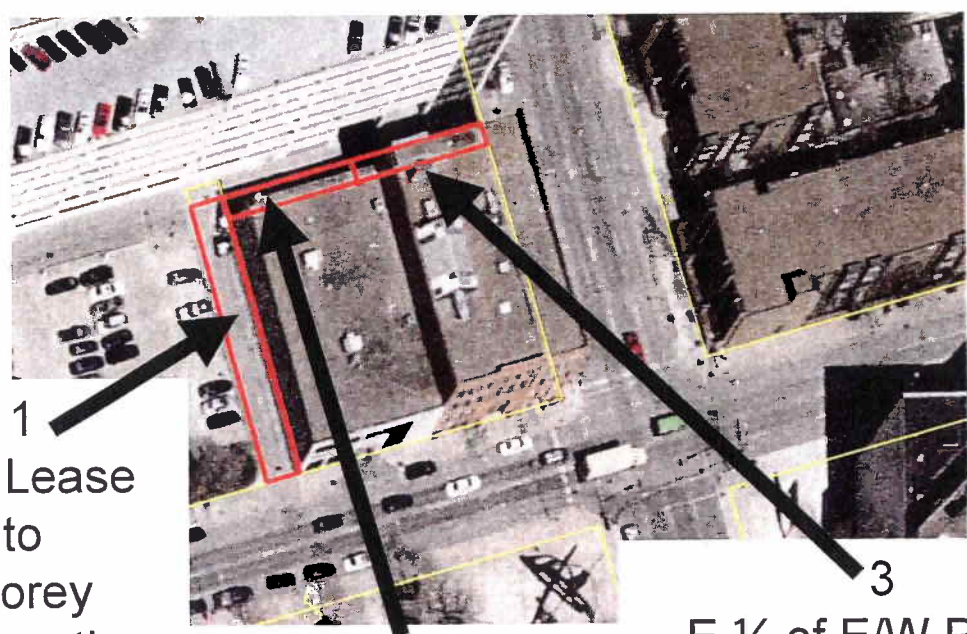
City Clerk

52A, B, C



VAC.

North South Alley
must be
Vacated Prior to Lease



1
N/S Lease
to
Storey
Kenworthy

A

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

B

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

C