

Date June 19, 2006

**RESOLUTION TO EXTEND THE CLOSING DATE FROM  
JUNE 6, 2006 TO JUNE 6, 2007, ON THE SALE AND CONVEYANCE  
OF CITY-OWNED PROPERTY TO CURLY TOP, LLC**

**WHEREAS**, on March 28, 2005, by Roll Call No. 05-686, the City Council of the City of Des Moines, Iowa, authorized the acquisition of all necessary property interests by voluntary purchase or gift for the Indianola Avenue Redevelopment Area Project; and

**WHEREAS**, on August 8, 2005, by Roll Call No. 05-1919, the City Council of the City of Des Moines, Iowa, initiated the vacation of the North/South alley in the block between SW 1<sup>st</sup> and SW 2<sup>nd</sup> Streets and between Dunham Avenue and Granger Avenue; and authorized the City Manager to negotiate an agreement with Curly Top, LLC for the sale of the entire block referenced above, subject to acquisition of the adjoining railroad property and less that part used for street purposes, all subject to approval by the City Council; and

**WHEREAS**, on September 12, 2005, by Roll Call No. 05-2204, the City Council of Des Moines, Iowa, approved a recommendation from the City Plan and Zoning Commission for conditional approval of a City Council-initiated request on behalf of Curly Top, LLC, for vacation and conveyance of the above referenced North/South alley along with a portion of Granger Avenue street right-of-way, subject to the applicant being responsible for relocating utilities as may be necessary for future development; and

**WHEREAS**, on September 26, 2005, by Roll Call No. 05-2382, the City Council of the City of Des Moines, Iowa, approved and accepted the Intent to Sell and Agreement to Purchase Real Estate with the Union Pacific Railroad Company to acquire the western half of the block between SW 1<sup>st</sup> Street and SW 2<sup>nd</sup> Street and between Dunham Avenue and Granger Avenue for \$65,000, utilizing funds from the Capital Improvements Program Account 541010, CP038, ENG990000, STR118; and

**WHEREAS**, such property was acquired with the intent of selling it along with the eastern portion of the block not needed as street right-of-way, as well as the intervening North/South alley and adjoining portion of Granger Avenue street right-of-way to Curly Top, LLC for development as senior housing in conformity with the Indianola Redevelopment Area Project; and

**WHEREAS**, Curly Top, LLC has offered to the City of Des Moines the purchase price of \$99,903.00, which is equal to the estimated City's Fair Market Value, for the vacation and purchase of such City-owned real property described below; and

**WHEREAS**, on October 24, 2006, by Roll Call No. 05-2591, the vacation and conveyance of such right-of-way and the Offer to Purchase, which was subject to the Grantee's receipt of IFA Tax Credits, was approved; and

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WHEREAS, the Grantee did not receive IFA Tax Credits but will reapply for the credits next year and has requested that the closing date for the sale and conveyance of such property be extended to June 6, 2007.

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

1. That the extension of the closing date to June 6, 2007, for the sale of the North/South alley in the block between SW 1<sup>st</sup> and SW 2<sup>nd</sup> Streets and between Dunham Avenue Granger Avenue, along with a portion of Granger Avenue right-of-way lying north of and adjoining said alley, more specifically described as follows, be and is hereby approved:

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 7, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; THENCE NORTH 19°00'24" EAST ALONG THE WEST LINE OF SAID BLOCK 7, A DISTANCE OF 263.95 FEET; THENCE SOUTH 72°18'24" EAST ALONG THE NORTH LINE OF SAID BLOCK 7, A DISTANCE OF 89.94 FEET; THENCE NORTH 57°34'15", EAST 58.69 FEET; THENCE SOUTH 15°48'23", EAST 267.95 FEET; THENCE SOUTH 18°51'25" WEST ALONG THE EAST LINE OF SAID BLOCK 7, A DISTANCE OF 57.85 FEET; THENCE SOUTHWEST ALONG A 55.00 FOOT RADIUS CURVE CONCAVE NORTHWEST WITH A CENTRAL ANGLE OF 60°03'04", A CHORD DISTANCE OF 55.04 FEET, A CHORD BEARING OF SOUTH 77°38'51" WEST, FOR AN ARC DISTANCE OF 57.65 FEET; THENCE NORTH 72°19'37" WEST ALONG THE SOUTH LINE OF SAID BLOCK 7, A DISTANCE OF 232.69 FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR., LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 64,012 SQUARE FEET.

2. The proceeds from the sale of this property will be deposited as follows: \$34,903 to 2006-07 Operating Budget, Page 310, Property Maintenance, SP767; \$65,000 to reimburse the 2006-07 Capital Improvements Program, Page Street Improvements-11, Corridor Studies, STR118, for railroad property acquisition.

(Council Communication No. 06-366 )

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

APPROVED AS TO FORM:

*Ann DiDonato*  
 Ann DiDonato  
 Assistant City Attorney

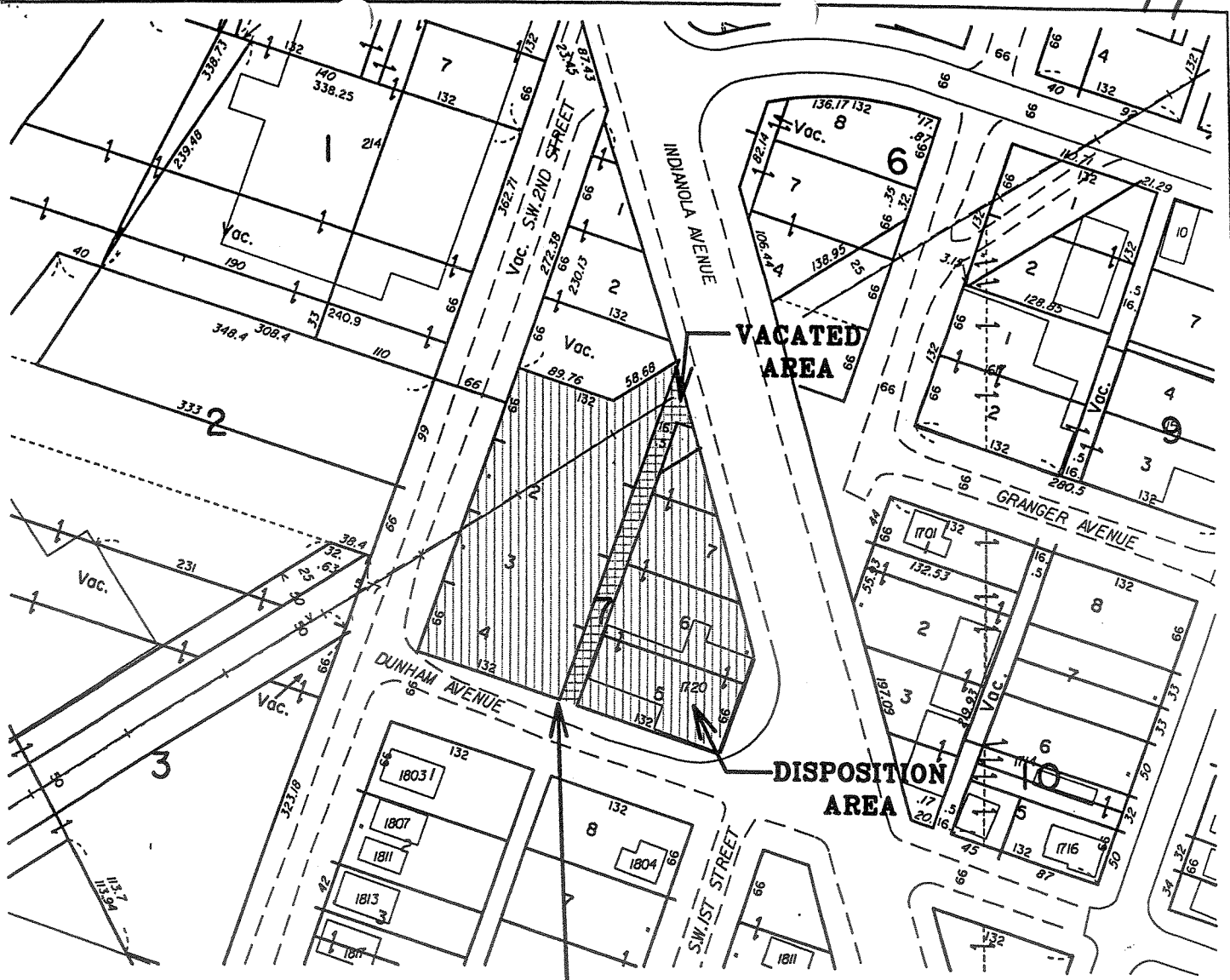
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

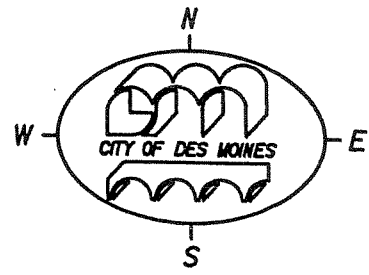
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

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



PROPERTY  
LOCATION



PROPERTY VACATION &  
DISPOSITION  
INDIANOLA AVE. REDEVELOPEMENT  
ACTIVITY I.D. 32-2005-018

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