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**Date** ..... October 11, 2010 .....

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**RESOLUTION TO RECEIVE AND FILE AND SET HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/ SOUTH ALLEY LYING WEST OF AND ADJOINING 2201 FOREST AVENUE TO ANAWIM HOUSING FOR \$1 FOR THE FOREST AVENUE URBAN RENEWAL PROJECT**

**WHEREAS**, on October 24, 2005 by Roll Call No. 05-2584, the City Council of the City of Des Moines adopted the Forest Avenue Urban Renewal Plan; and

**WHEREAS**, on September 11, 2006 by Roll Call No. 06-1810, the City Council of the City of Des Moines adopted the Amended Forest Avenue Urban Renewal Plan; and

**WHEREAS**, the City Council of the City of Des Moines established fair market value and subsequently acquired the properties located at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23<sup>rd</sup> Street; and

**WHEREAS**, on March 3, 2010 city staff sent notice requesting competitive Letters of Interest from developers for the site located on the north side of the 2200 block of Forest Avenue for development of rental units in a townhouse style; and

**WHEREAS**, a Letter of Interest and proposal was received from a partnership between Hubbell Realty and Anawim Housing by the submission deadline of May 28, 2010 to develop 16 units of rental housing on the site in (2) eight-unit buildings; and

**WHEREAS**, on June 28, 2010 by Roll Call No. 10-391, the City Council of the City of Des Moines approved a grant application to the Iowa Department of Economic Development (IDED) for Community Development Block Grant – Disaster Relief (CDBG-DR) funding for the construction of rental occupied units in response to a notice of funding distributed January 6, 2010; and

**WHEREAS**, Anawim Housing dba ANAWIM plans to enter into a Residential Development Agreement with the City of Des Moines and proposes and agrees to include Urban Renewal and Affordable Housing Covenants as part of the negotiated development agreement for the Forest Avenue Urban Renewal Project; and

**WHEREAS**, on September 13, 2010, by Roll Call No. 10-1454, it was duly resolved by the City Council that the proposed conveyance of real property at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23<sup>rd</sup> Street, be set down for hearing on September 27, 2010, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, on September 27, 2010, by Roll Call No. 10-1601, the City Council approved the conveyance of City-owned property located on the North side of the 2200 Block of Forest Avenue to Anawim Housing and approved the residential development agreement; and

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Date October 11, 2010

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**WHEREAS**, on October 7, 2010, the City Plan and Zoning Commission recommended approving a request from Anawim Housing (developer) represented by Russ Frazier (officer) for vacation of a segment of north/ south alley adjoining the west of the property at 2201 Forest Avenue, with provision of an ingress/egress easement for traffic using the remaining portion of the alley to the north as required in the residential development agreement and to proceed with requested vacation and conveyance; and

**WHEREAS**, there is no known current or future public need for the right-of-way proposed to be sold and the City will not be inconvenienced by the sale of said property.

**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 the north/south alley adjoining 2201 Forest Avenue, more specifically described as follows:

The North/South alley lying west of and adjoining Lots 10 and 11, Block 2, Marquardt'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 right-of-way the City of Des Moines proposes to sell such right-of-way, as described below, to the grantees and for the consideration identified below:

To: Anawim Housing

For: \$1

The vacated north/south alley lying west of and adjoining Lots 10 and 11, Block 2, Marquardt'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 sale and conveyance of such real estate is to be considered shall be on October 25, 2010, said meeting to be held at 5:00 p.m., in the Council Chamber.

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 Section 362.3 of the Iowa Code.

5. There will be no proceeds from the sale of this property.

★ **Roll Call Number**

**Agenda Item Number**

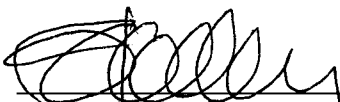
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Moved by \_\_\_\_\_ to receive and file and refer to the  
Engineering Department, Real Estate Division and to adopt.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael F. Kelley,  
Assistant City Attorney

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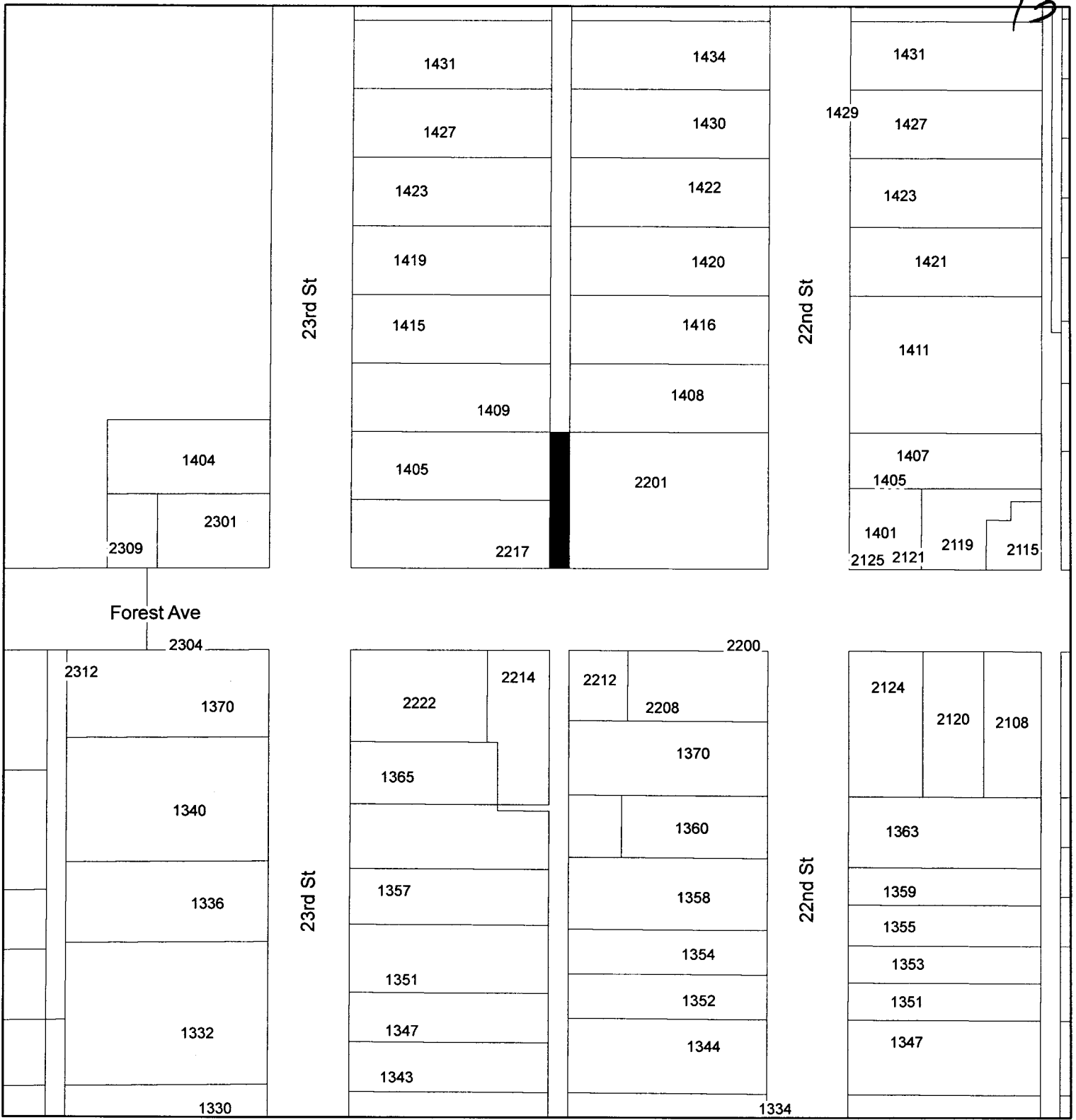
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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



**Legend**

 PROJECT LOCATION

**VACATION AND CONVEYANCE OF ALLEY TO ANAWIM HOUSING**

