

Date July 25, 2011

RESOLUTION APPROVING DEVELOPMENT PLAN FOR THE PORTION OF AN ALLEY
BEING CONVEYED TO THE ROMAN CATHOLIC DIOCESE OF DES MOINES

WHEREAS, on July 11, 2011, by Roll Call No. 11-1194, the City Council scheduled a hearing to consider the vacation of the north/south alley between 6th Avenue and 7th Street and between High Street and Watson Powell Jr. Way, and the conveyance of the following described portion of such vacated alley:

ALL THAT PART OF THE VACATED 16.5 FOOT NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 5 OF CHESTNUT ROW, AN OFFICIAL PLAT, LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE VACATED 15 FOOT EAST-WEST ALLEY LYING SOUTH OF LOT 3 OF SAID CHESTNUT ROW, AND ALL THAT PART OF THE VACATED NORTH-SOUTH ALLEY IN BLOCK H OF GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, LYING SOUTH OF SAID CHESTNUT ROW, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

to the Roman Catholic Diocese of Des Moines, and further specified that in the event that the City Council decided to vacate and convey said right-of-way, such conveyance should be in accordance with the requirements recommended by the Plan and Zoning Commission; and,

WHEREAS, on July 11, 2011, by Roll Call No. 11-1195 the City Council received and filed a communication from the City Plan and Zoning Commission recommending approval of the vacation and conveyance of said right-of-way subject to the following conditions:

- a) Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense; and,
- b) Reservation of a public access easement over the entire vacated alley to allow use for access to adjoining loading and off-street parking; and,
- c) *Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council; and,*

WHEREAS, the Roman Catholic Diocese has submitted and the Community Development Department has recommended approval of a development plan for construction of a parking lot at the northeast corner of 7th Street and High Street adjoining the west side of the south 132 feet of said alley.

Date July 25, 2011

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

1. The proposed development plan is hereby approved. Any future substantial amendment to the approved development plan shall remain subject to further City Council approval.
2. A copy of the development plan shall be placed on permanent file and available for public inspection in the office of the Community Development Department, 600 Robert D. Ray Drive, Des Moines, Iowa.
3. The City Clerk shall cause a certified copy of this resolution to be released to the Real Estate Division for recording with the Quit Claim Deed to convey the vacated alley to the Roman Catholic Diocese of Des Moines.

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

C:\Rog\Vacate\Pending\Principal & St Ambrose\RC - Approve Plan..doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

