

Date December 5, 2011

SET HEARING FOR VACATION AND CONVEYANCE OF SEGMENTS OF SOUTHWEST WATER STREET AND MARKET STREET RIGHT-OF-WAY TO WATERFRONT LODGING, INC. IN EXCHANGE FOR COMPARABLE PARCELS LOCATED ALONG VINE STREET AND SOUTHWEST 2<sup>ND</sup> STREET, ALL LOCATED IN THE BLOCK BOUND BY VINE, SOUTHWEST WATER, MARKET AND SOUTHWEST 2<sup>ND</sup> STREETS

WHEREAS, on January 19, 2012, the City Plan and Zoning Commission is expected to consider whether segments of Southwest Water Street and Market Street right-of-way located in the block bound by Vine, Southwest Water, Market and Southwest 2<sup>nd</sup> Streets ("City Right-of-Way"), hereinafter more fully described, be vacated for Waterfront Lodging, Inc., as part of a conveyance in exchange and as consideration for conveyance by Waterfront Lodging, Inc. to the City of Des Moines of comparable parcels located along Vine Street and Southwest 2<sup>nd</sup> Street ("Waterfront Lodging, Inc. parcels"); and

WHEREAS, Waterfront Lodging, Inc. is the purchaser of the real property locally known as 101 Southwest 2<sup>nd</sup> Street that abuts the City Right-of-way and has requested the vacation and conveyance of such Right-of-way for the purpose of incorporation with surrounding properties for development; and

WHEREAS, the proposed property exchange will allow the City of Des Moines to widen Vine Street and Southwest 2<sup>nd</sup> Street right-of-way, and the Waterfront Lodging, Inc. parcels have been determined by the City's Real Estate Division to be comparable in value to the requested City Right-of-way; and

WHEREAS, Waterfront Lodging, Inc. and the City Real Estate Division are negotiating a land exchange agreement which will include, among other terms, provisions that (1) closing on the land exchange is subject to Waterfront Lodging, Inc. closing on the purchase of the adjoining property, (2) closing is subject to approval of the development plan for the property by the City Council, and (3) other conditions included in the City Plan and Zoning Commission recommendation; and

WHEREAS, there is no known current or future public need or benefit for the City Right-of-way proposed to be exchanged, and the City will not be inconvenienced by the conveyance 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 segments of Southwest Water Street and Market Street right-of-way located in the block bound by Vine, Southwest Water, Market and Southwest 2<sup>nd</sup> Streets, more specifically described as follows:

THE SOUTHWESTERLY 4.32 FEET OF SOUTHWEST WATER STREET RIGHT-OF-WAY, EXCEPT THE NORTHWESTERLY 2.43 FEET, LYING NORTHEASTERLY OF AND ADJOINING BLOCK 36, FORT DES MOINES, AN OFFICIAL PLAT, AND THE SOUTHWESTERLY 4.32 FEET OF SOUTHWEST WATER STREET RIGHT-OF-WAY LYING NORTHEASTERLY OF THE NORTHWESTERLY 2.43 FEET OF MARKET STREET RIGHT-OF-WAY, LYING SOUTHEASTERLY OF AND ADJOINING SAID BLOCK 36, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

Date December 5, 2011

THE NORTHWESTERLY 2.43 FEET OF MARKET STREET RIGHT-OF-WAY, EXCEPT THE SOUTHWESTERLY 4.32 FEET, LYING SOUTHEASTERLY OF AND ADJOINING BLOCK 36, FORT DES MOINES, 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 City Right-of-way, the City of Des Moines proposes to convey such vacated right-of-way to Waterfront Lodging, Inc., subject to the conditions set forth above, as consideration and in exchange for conveyance by Waterfront Lodging, Inc. to the City of comparable parcels located along Vine Street and Southwest 2<sup>nd</sup> Street.
3. That the meeting of the City Council at which the adoption of said ordinance and conveyance of such real estate is to be considered shall be on January 23, 2012, 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, no earlier than January 4, 2012 and no later than January 18, 2012, in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
5. There will be no proceeds associated with the exchange of this property.

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

APPROVED AS TO FORM:

*Glenna K. Frank*  
 \_\_\_\_\_  
 Glenna K. Frank, Assistant City Attorney

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



**WATERFRONT LODGING, INC.**