

Date January 9, 2012

**RESOLUTION SETTING HEARING ON SALE OF SOUTHERN MEADOWS SITE
AT 2800 S.E. 8TH STREET AND ADJOINING PARCELS AND ON THE
VACATION AND CONVEYANCE OF CITY-OWNED PROPERTY, AND
APPROVING PROPOSED DEVELOPMENT AGREEMENT WITH
HATCH DEVELOPMENT GROUP, L.L.C.**

WHEREAS, on October 24, 2011, by Roll Call No. 11-1779, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of Broad Street from Indianola Avenue to S.E. 8th Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, on December 5, 2011, by Roll Call No. 11-2056, the City Council authorized the City Manager to negotiate with Hatch Development Group, L.L.C. on a development agreement to redevelop the Southern Meadows site at 2800 S.E. 8th Street and adjoining parcels; and

WHEREAS, the City has offered to sell and Developer is willing to purchase the real property located at 2800 S.E. 8th Street in Des Moines, legally described in Exhibit A hereto which shall be referred to as the "Property" or "Improvements" subject to the provisions of this Agreement.

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and sold and the City will not be inconvenienced by the sale of this 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 a segment of Broad Street right-of-way from Indianola Avenue to S.E. 8th Street, more specifically described as follows:

A PARCEL OF LAND IN JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT RECORDED IN BOOK 'H', PAGE 119 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE NE CORNER OF LOT 2 OF SAID JEFFERSON HEIGHTS REPLAT, SAID NE CORNER ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF E. BROAD STREET AS IT IS PRESENTLY ESTABLISHED; THENCE N74°10'10"W, 175.87 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NW CORNER OF LOT 1 OF SAID JEFFERSON HEIGHTS REPLAT; THENCE S00°20'14"W, 10.41 FEET ALONG THE WEST LINE OF SAID LOT 1 TO A POINT ON THE SAID WEST LINE OF LOT 1; THENCE N50°00'31"W, 294.28 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1008.50 FEET AND A CHORD BEARING OF N52°11'44"W, AN ARC LENGTH OF 76.99 FEET TO A POINT ON THE SOUTH LINE OF LOT 5, SOUTHERN MEADOWS PLAT TWO, AN OFFICIAL PLAT RECORDED IN BOOK 8494, PAGE 882-894 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE S60°41'23"E, 57.16 FEET TO THE SE CORNER OF SAID LOT 5, SAID SE CORNER ALSO BEING THE SW CORNER OF SOUTHERN MEADOWS, AN OFFICIAL PLAT RECORDED IN BOOK 7215, PAGE 550-557 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE S60°50'32"E, 261.83 FEET ALONG THE SOUTH LINE OF SAID SOUTHERN MEADOWS TO A POINT; THENCE S73°40'43"E, 184.89 FEET ALONG SAID SOUTH LINE TO THE SE CORNER OF LOT 6 OF SAID SOUTHERN MEADOWS, SAID SE CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SE 8TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°20'14"W, 66.37 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 0.501 ACRES (21,854 S.F.).

2. That if the City Council decides to vacate the above described right-of-way and approve the Development Agreement, the City of Des Moines proposes to sell such right-of-way and adjoining City-owned property, as described below, to the grantee identified below:

Hatch Development Group, L.L.C.

LOTS 5 AND 6 IN SOUTHERN MEADOWS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOTS 1 AND 2 IN JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

A VACATED PARCEL OF LAND IN JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT RECORDED IN BOOK 'H', PAGE 119 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF LOT 2 OF SAID JEFFERSON HEIGHTS REPLAT, SAID NE CORNER ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF E. BROAD STREET AS IT IS PRESENTLY ESTABLISHED; THENCE N74°10'10"W, 175.87 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NW CORNER OF LOT 1 OF SAID JEFFERSON HEIGHTS REPLAT; THENCE S00°20'14"W, 10.41 FEET ALONG THE WEST LINE OF SAID LOT 1 TO A POINT ON THE SAID WEST LINE OF LOT 1; THENCE N50°00'31"W, 294.28 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1008.50 FEET AND A CHORD BEARING OF N52°11'44"W, AN ARC LENGTH OF 76.99 FEET TO A POINT ON THE SOUTH LINE OF LOT 5, SOUTHERN MEADOWS PLAT TWO, AN OFFICIAL PLAT RECORDED IN BOOK 8494, PAGE 882-894 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE S60°41'23"E, 57.16 FEET TO THE SE CORNER OF SAID LOT 5, SAID SE CORNER ALSO BEING THE SW CORNER OF SOUTHERN MEADOWS, AN OFFICIAL PLAT RECORDED IN BOOK 7215, PAGE 550-557 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE S60°50'32"E, 261.83 FEET ALONG THE SOUTH LINE OF SAID SOUTHERN MEADOWS TO A POINT; THENCE S73°40'43"E, 184.89 FEET ALONG SAID SOUTH LINE TO THE SE CORNER OF LOT 6 OF SAID SOUTHERN MEADOWS, SAID SE CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SE 8TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°20'14"W, 66.37 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 0.501 ACRES (21,854 S.F.).

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 January 23, 2012, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

★ **Roll Call Number**

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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 §362.3 of the Iowa Code.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Michael F. Kelley
 Assistant City Attorney

SPONSOR: Council Member Meyer

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