

Date June 11, 2012

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING NORTH OF EUCLID AVENUE, BETWEEN 2<sup>ND</sup> AVENUE AND 3<sup>RD</sup> STREET, TO IOWA CVS PHARMACY, L.L.C FOR \$20,000**

**WHEREAS**, on June 21, 2012, the City Plan and Zoning Commission is expected to consider whether a portion of the north/south alley right-of-way lying north of Euclid Avenue, between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street (“City Right-of-way”), hereinafter more fully described, should be vacated; and

**WHEREAS**, Iowa CVS Pharmacy, L.L.C. is the purchaser of the properties locally known as 209 Euclid Avenue, 3608 2<sup>nd</sup> Avenue and 3612 2<sup>nd</sup> Avenue that abut such City Right-of-way and has offered to the City of Des Moines the purchase price of \$20,000 for the vacation and purchase of such Right-of-way, more fully described below, for the purpose of allowing the Right-of-way to be incorporated with surrounding properties for development, which price reflects the fair market value of the Right-of-Way as currently estimated by the City’s Real Estate Division; and

**WHEREAS**, Iowa CVS Pharmacy, L.L.C. and the City Real Estate Division are negotiating an Offer to Purchase which will include, among other terms, closing subject to the condition that Iowa CVS Pharmacy, L.L.C. closes on the purchase of and demonstrates ownership of the abutting properties listed above, and any other conditions to be 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 vacated and sold and the City will not be inconvenienced by the vacation and 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 a portion of the north/south alley right-of-way lying north of Euclid Avenue, between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street, more specifically described as follows:

ALL THAT PORTION OF THE NORTH / SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 8, 9, 10, 11 AND 12, BLOCK 19, HIGHLAND PARK, AN OFFICIAL PLAT, AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 8, 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 sell such vacated Right-of-way to Iowa CVS Pharmacy, L.L.C., subject to the conditions set forth above and in the Offer to Purchase, for the consideration of \$20,000.

★ **Roll Call Number**

**Agenda Item Number**

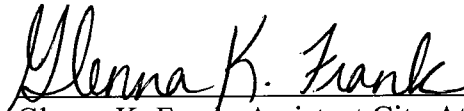
22

**Date** June 11, 2012

3. That the meeting of the City Council at which the adoption of said ordinance and the vacation and conveyance of such real estate is to be considered shall be on June 25, 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.
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. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

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

APPROVED AS TO FORM:

  
 Glenna K. Frank, Assistant City Attorney

*aw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				
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

