

Date July 9, 2012

SET HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY ADJOINING 815 HIGH STREET TO THE CATHEDRAL CHURCH OF ST. PAUL OF THE CITY OF DES MOINES, IOWA FOR \$1,000

WHEREAS, on June 11, 2012, by Roll Call No. 12-0881, the City Council received the recommendation from the Plan and Zoning Commission to vacate the north/south alley adjoining 815 High Street between 8th Street and 9th Street from High Street to Pleasant Street ("Property"), as more specifically described below, subject to 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 City Council, and further subject to reservation of an easement for utilities currently in place until such time as they are abandoned or relocated at the applicant's expense; and

WHEREAS, on June 25, 2012 by Roll Call No. 12-1041, the City Council held a public hearing at which it approved the vacation and conveyance of the Property to the Cathedral Church of St. Paul of the City of Moines, Iowa for \$1,000, subject to Plan and Zoning Commission recommendations and use restrictions and closing conditions set forth in said Roll Call and in the Offer to Purchase; and

WHEREAS, subsequently it was determined that notice of the time and place of the public hearing on June 25, 2012 was not published pursuant to Code of Iowa Sections 364.7 and 362.3, and thus the June 25, 2012 public hearing on the proposed vacation and conveyance was defective and the hearing must be reset and properly noticed; and

WHEREAS, The Cathedral Church of St. Paul of the City of Des Moines, Iowa is the owner of the real property locally known as 815 High Street that abuts such Property and has offered to the City of Des Moines the purchase price of \$1,000.00 for the vacation and purchase of the Property as legally described below, for the purpose of developing a pedestrian plaza on the east side of the existing cathedral, which purchase price reflects the restricted use fair market value of the Property as currently estimated by the City's Real Estate Division; and

WHEREAS, The Cathedral Church of St. Paul of the City of Des Moines, Iowa and City staff have negotiated the terms of an offer to purchase the Property, subject to the Plan and Zoning Commission requirements and other terms including proposed deed restrictions that the Property be used for greenspace and public pedestrianway only; that structures and improvements cannot be constructed upon the Property except as shown in a conceptual plan to be provided by the buyer; and requirements in the event of requested future release of the no-build restriction; and further subject to closing being conditional upon receipt by the buyer of an Open Spaces Sacred Places grant to fund construction of the pedestrian plaza and greenspace within the Property, with the Property to be retained and rededicated as public right-of-way by the City in the event that closing does not occur; and

WHEREAS, there is no known current or future public need or benefit for the Property proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said Property, subject to the use of said Property as a greenspace and public pedestrianway.

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 815 High Street between 8th Street and 9th Street from High Street to Pleasant Street, more specifically described as follows:

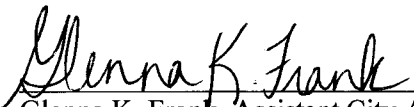
Date July 9, 2012

ALL OF THE NORTH/SOUTH ALLEY IN BLOCK 1 OF HOLCOMBS ADDITION TO 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 right-of-way, the City of Des Moines further proposes to sell such vacated alley right-of-way to The Cathedral Church of St. Paul of the City of Des Moines, Iowa for \$1,000.00, all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms and restrictions stated herein.
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 July 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 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

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

14

8th St

Pleasant St

High St

9th St

Grand Ave

10th St

Legend
PROJECT LOCATION

