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Date March 11, 2013

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE
NORTH/SOUTH AND EAST/WEST ALLEY RIGHT-OF-WAY SOUTH OF
UNIVERSITY AVENUE BETWEEN 6TH AVENUE AND 7TH STREET
TO QUIKTRIP CORPORATION FOR \$700**

WHEREAS, QuikTrip Corporation (“QuikTrip”) is the purchaser of the real properties locally known as 614 University Avenue, 630 University Avenue, 1190 6th Avenue and 1188 6th Avenue (“QuikTrip parcels”), which parcels are being purchased by Quik Trip for redevelopment purposes; and

WHEREAS, on March 11, 2013, by Roll Call No. _____, the City Council received a recommendation from the City Plan and Zoning Commission that the north/south and east/west alley right-of-way south of University Avenue between 6th Avenue and 7th Street (“City parcel”), hereinafter more fully described, be vacated as requested by QuikTrip for redevelopment, subject to conditions set forth in the recommendation; and

WHEREAS, the City of Des Moines needs to acquire additional property for right-of-way purposes upon a portion of the QuikTrip parcels; and

WHEREAS, City staff and QuikTrip are negotiating a land exchange by which QuikTrip will pay to the City of Des Moines the purchase price of \$700 and will convey to the City a portion of the QuikTrip parcels as needed for right-of-way purposes, in exchange and as consideration for the City’s vacation and conveyance to QuikTrip of the City parcel, subject to Plan and Zoning Commission recommendations and with closing further subject to the condition that QuikTrip close on the purchase of, and demonstrate ownership of, the QuikTrip parcels; and

WHEREAS, the properties to be exchanged have been determined by the City’s Real Estate Division to be comparable in value, condition, and use, given the additional consideration to be paid by QuikTrip in the form of the \$700 purchase price; and

WHEREAS, there is no know current or future public need or benefit for the City alley 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 and east/west alley right-of-way south of University Avenue between 6th Avenue and 7th Street, more specifically described as follows:

.....
Date March 11, 2013

THE 15.00 FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN LOTS 1 AND 2 AND 45 AND 46 OF GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 4.50 FEET THEREOF.

AND

THE 10.00 FOOT EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12, 13 AND 14 OF SAUCERMAN'S SUBDIVISION OF THE NORTH 2 ACRES OF LOT 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND OF LOT 7 ULRICH'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST 15.85 FEET THEREOF. (CONTAINING 2924 SQUARE FEET, MORE OR LESS)

2. That if the City Council first decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such vacated right-of-way, legally described as follows, to QuikTrip Corporation, subject to the conditions set forth above and the Plan and Zoning Commission recommendations, in exchange and as consideration for conveyance by QuikTrip Corporation to the City of a portion of the QuikTrip parcels and for the additional consideration of \$700:

THE VACATED 15.00 FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN LOTS 1 AND 2 AND 45 AND 46 OF GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 4.50 FEET THEREOF.

AND

THE VACATED 10.00 FOOT EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12, 13 AND 14 OF SAUCERMAN'S SUBDIVISION OF THE NORTH 2 ACRES OF LOT 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND OF LOT 7 ULRICH'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST 15.85 FEET THEREOF. (CONTAINING 2924 SQUARE FEET, MORE OR LESS)

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 March 25, 2013, 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 proposals in the form hereto attached all in accordance with §362.3 of the Iowa Code.

★ Roll Call Number

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Date March 11, 2013

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
Glenna K. Frank, Assistant City Attorney

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

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.

Mayor

City Clerk

University Ave

6th Ave

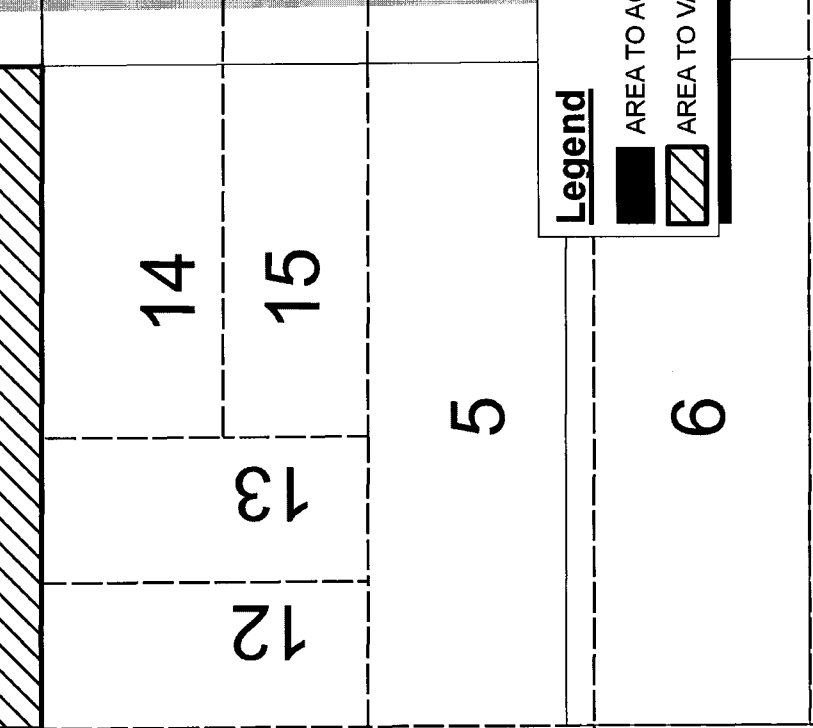
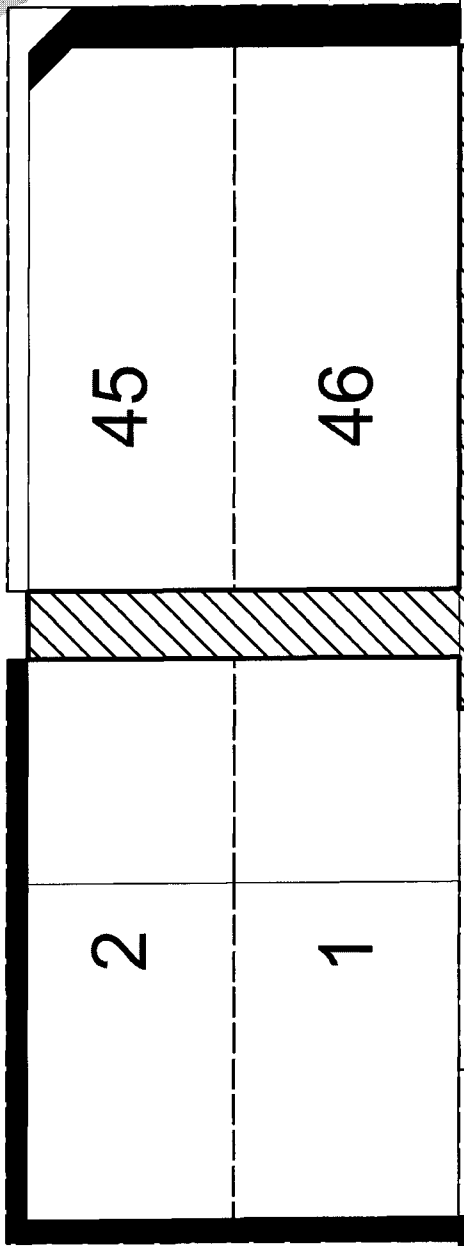
7th St



Legend

AREA TO ACQUIRE

AREA TO VACATE AND CONVEY



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Pt.2

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REGISTER ORDER NO. _____ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF PROPOSAL TO VACATE AND CONVEY RIGHT-OF-WAY

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of the north/south and east/west alley right-of-way south of University Avenue between 6th Avenue and 7th Street, more specifically described as follows:

THE 15.00 FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN LOTS 1 AND 2 AND 45 AND 46 OF GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 4.50 FEET THEREOF

AND

THE 10.00 FOOT EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12, 13 AND 14 OF SAUCERMAN'S SUBDIVISION OF THE NORTH 2 ACRES OF LOT 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND OF LOT 7 ULRICH'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST 15.85 FEET THEREOF. (CONTAINING 2924 SQUARE FEET, MORE OR LESS)

NOTICE IS FURTHER GIVEN that the City Council has adopted a resolution setting a hearing relating to a proposed land exchange between the City of Des Moines and QuikTrip Corporation, by which QuikTrip Corporation will convey to the City a portion of the real property locally known as 614 University Avenue, 630 University Avenue, 1190 6th Avenue and 1188 6th Avenue, Des Moines, and will pay to the City the additional consideration of \$700.00, in exchange and as consideration for the City's conveyance to QuikTrip Corporation of the real property legally described as follows, subject to certain conditions set forth in the Council resolution, if the City Council first decides to vacate such right-of-way:

THE VACATED 15.00 FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN LOTS 1 AND 2 AND 45 AND 46 OF GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 4.50 FEET THEREOF.

AND

THE VACATED 10.00 FOOT EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12, 13 AND 14 OF SAUCERMAN'S SUBDIVISION OF THE NORTH 2 ACRES OF LOT 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND OF LOT 7 ULRICH'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST 15.85 FEET THEREOF. (CONTAINING 2924 SQUARE FEET, MORE OR LESS)

NOTICE IS FURTHER GIVEN, that the City Council will consider the adoption of the proposed vacation ordinance and approval of the proposed sale and conveyance after a public hearing to be held at 5:00 p.m., in the Council Chamber, 400 Robert D. Ray Drive, Des Moines,

Iowa, on March 25, 2013. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

PUBLISHED IN THE DES MOINES REGISTER ON _____.