

Date April 7, 2014

**HOLD HEARING FOR VACATION AND CONVEYANCE OF  
ALLEN PARK LOCATED AT 504 SE 6<sup>TH</sup> STREET TO  
CHRISTOPHER S. BUCHANAN FOR \$270,000**

**WHEREAS**, on February 10, 2014, by Roll Call 14-0229, the City Council of the City of Des Moines voted to receive and file a request from Hansen Real Estate Services representing Christopher S. Buchanan, doing business as Scotty's Body Shop, to purchase City-owned park property at 504 SE 6<sup>th</sup> Street (hereinafter "Allen Park"); and

**WHEREAS**, on February 25, 2014, the Park and Recreation Board voted to approve a recommendation that the City Council vacate and convey Allen Park and dedicate approximately 2.8 acres of City-owned property at Maury Street and SE 6<sup>th</sup> Street as parkland as a replacement of the Allen Park parkland, and to designate the sale proceeds to off-set the cost of relocating the current park amenities to the new proposed park; and

**WHEREAS**, Christopher S. Buchanan has offered to the City of Des Moines the purchase price of \$270,000 for Allen Park, which price reflects the appraised value as determined by an independent appraiser and also reflects the fair market value of Allen Park as further determined by the City's Real Estate Division; and

**WHEREAS**, Christopher S. Buchanan and the City Real Estate Division have negotiated an Offer to Purchase, which Offer includes, among other terms, the provision that closing on the sale of Allen Park shall be subject to an approved site plan, subject to compliance with all applicable City zoning restrictions, and that the buyer's application and permit fees for due diligence testing of Allen Park prior to the date of this hearing will be waived and/or credited back to the buyer at closing; and

**WHEREAS**, there is no known current or anticipated public benefit or need for Allen Park that is proposed to be vacated insofar as the City-owned property at Maury Street and SE 6<sup>th</sup> Street is proposed to be dedicated as parkland as a replacement of the Allen Park parkland, and the City will not be inconvenienced by the proposed vacation and sale of said Allen Park; and

**WHEREAS**, on March 24, 2014, by Roll Call No. 14-0479, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on April 7, 2014, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey Allen Park was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation and conveyance of Allen Park, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for Allen Park, insofar as the City-owned property at Maury Street and SE 6<sup>th</sup> Street is proposed to be parkland as a replacement of the Allen Park parkland, and the public would not be inconvenienced by reason of the vacation of Allen Park, located at 504 SE 6<sup>th</sup> Street, legally as follows:

LOTS 6, 7, 8, 9 AND 10, BLOCK 46, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The proposed sale of such vacated Allen Park parkland, as legally described below, to Christopher S. Buchanan for \$270,000.00, and in accordance with the requirements of the Park and Recreation Board recommendation and the terms of the Offer to Purchase, is hereby approved:

VACATED LOTS 6, 7, 8, 9 AND 10, BLOCK 46, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating said right-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded upon closing.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded upon closing.

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7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.

8. The proceeds associated with this property will be deposited into the following account: 2014-15 CIP, Park Improvements, Page Park Improvements – 12, PK137.

(Council Communication No. *14-148*)

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

APPROVED AS TO FORM:

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

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

www.EastVillageDesMoines.com



Post Office Box 1782  
Des Moines, Iowa 50305

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*Mission: to lead the preservation, support and development of the East Village Community*

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March 19, 2014

Mr. Scotty Buchanan  
Owner, Scotty's Body Shop  
1430 Linden Street  
Des Moines, IA 50309

Dear Mr. Buchanan:

It was a pleasure meeting you recently. I know all the members of our Action/Design/Beautification (ADB) Committee appreciated the opportunity to discuss the proposed relocation of your business to 504 SE 6<sup>th</sup> Street, and to review the draft site plan and artist's rendering.

We came away from that meeting with a good comfort level that you see the relocation as an excellent opportunity to take your business to the next level, and that you aim to develop the site in a way that respects the interests of the East Village neighborhood and your immediate neighbors (some of which are also automobile-related businesses).

The ADB Committee shared this perspective with the full Historic East Village Neighborhood Association Board at our March 17 meeting. The consensus from that discussion was that the Board is supportive of the relocation in concept. However, since the project is still very early in the planning and approval process it would be premature for the Association to go "on the record" with the City at this point.

We wish you well as that planning and approval process continues. We will follow it closely and offer questions and input as needed along the way. Please don't hesitate to call on the ADB Committee as a sounding-board and resource along the way.

Sincerely,

Mark Tezak  
Vice President, Historic East Village Neighborhood Association

Cc: Josh Garrett, President, Historic East Village Neighborhood Association  
Joe Gatto, Ward IV Council Member, Des Moines City Council  
Troy Hansen, Hansen Real Estate Services  
Shannon Morton, Hansen Real Estate Services  
Alan VanGundy, Simonson & Associates