★ **Roll Call Number**

**Agenda Item Number**
20



**Date** January 11, 2016

**SET HEARING FOR VACATION OF A PORTION OF EAST MARTIN LUTHER KING, JR. PARKWAY RIGHT-OF-WAY ADJOINING 504 SOUTHEAST 6TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO BUCHANAN HOLDINGS, LLC FOR $2,438.00**

**WHEREAS,** the Buchanan Holdings, LLC is the owner of the real property locally known as 504 Southeast 6th Street; and

**WHEREAS**, Jeff Craig, attorney representing Buchanan Holdings, LLC, owner of 504 Southeast 6th Street, has requested the vacation of a five foot segment of East Martin Luther King, Jr. Parkway adjoining 504 Southeast 6th Street ("City Right-of-Way"), hereinafter more fully described, and has further requested that the City of Des Moines, Iowa ("City") convey a Permanent Easement for Building Encroachment in the vacated City Right-of-Way to Buchanan Holdings, LLC in order to mitigate an existing encroachment into City right-of-way; and

**WHEREAS,** Buchanan Holdings, LLC has offered to the City the purchase price of $2,438.00 for the vacation and purchase of the Permanent Easement for Building Encroachment in the City Right-of-Way, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

**WHEREAS,** said City Right-of-Way has been determined by the City Engineer and City Traffic Engineer to have a de minimis impact upon the public use of East Martin Luther King, Jr. Parkway thereby obviating the required Plan and Zoning Commission review; and

**WHEREAS,** there is no current or future City need or benefit for said City Right of Way and the City will not be inconvenienced by the vacation of said City Right of Way and conveyance of a Permanent Easement for Building Encroachment to Buchanan Holdings, LLC therein.

**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, Iowa, shall consider adoption of an ordinance permanently vacating a five foot segment of East Martin Luther King, Jr. Parkway adjoining 504 Southeast 6th Street, more specifically described as follows:

   THE SOUTH 5 FEET OF EAST MARTIN LUTHER KING JR PARKWAY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 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.

2. That, if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described right-of-way, the City of Des Moines proposes to convey a Permanent Easement for Building Encroachment

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in the vacated right-of-way, all legally described as follows, to Buchanan Holdings, LLC for $2,438.00, subject to the requirements of the Offer to Purchase:

THE VACATED SOUTH 5 FEET OF EAST MARTIN LUTHER KING JR PARKWAY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 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. That the meeting of the City Council of the City of Des Moines, Iowa, at which the adoption of said ordinance and the conveyance of such easement interests is to be considered shall be held on January 25, 2016, 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.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

RSW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|---|---|---|---|---|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MOORE | | | | |
| WESTERGAARD | | | | |
| 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