

Date January 25, 2016

SET HEARING FOR VACATION AND CONVEYANCE OF AN ESTIMATED 0.63 ACRES OF ALLEN PARK TO EAGLE VIEW LOFTS, LLC FOR \$1.00 IN EXCHANGE FOR A PERPETUAL EASEMENT FOR PUBLIC INGRESS-EGRESS, PARKING AND DUMPSTER SPACE DEDICATED FOR ALLEN PARK USERS

WHEREAS, on February 25, 2014, the Park and Recreation Board approved a recommendation that the City Council of the City of Des Moines, Iowa, vacate and convey a portion of Allen Park located at 504 SE 6th Street, and dedicate approximately 2.8 acres of City-owned property at Maury Street and SE 6th Street as parkland as a replacement of the Allen Park parkland to be vacated; and

WHEREAS, on April 7, 2014, by Roll Call 14-0563, the City Council of the City of Des Moines approved the sale of vacated Allen Park to Christopher S. Buchanan in accordance with the requirements of the Park and Recreation Board that the City-owned property at Maury Street and SE 6th Street be dedicated as parkland for relocation of Allen Park; and

WHEREAS, Eagle View Lofts, LLC is negotiating an Offer to Purchase with the City of Des Moines for purchase of the property adjoining relocated Allen Park upon which they intend to construct 100-120 market rate residential dwelling units in multiple structures; and

WHEREAS, Eagle View Lofts, LLC has requested the vacation and conveyance of approximately 0.63 acres (estimated \$45,281 fair market value) of Allen Park in consideration of \$1.00 and the construction and maintenance of a paved parking lot, and a perpetual easement for the exclusive right to ten parking spaces in the parking lot, adjacent space for dumpster and enclosing structure, and ingress-egress thereto (estimated value of \$58,904) for users of Allen Park and the new community garden, with the remaining parking spaces of said parking lot to be used by the Eagle View Loft residents; and

WHEREAS, the conveyance documents shall be drafted in such a way to preserve the City's reversionary ownership interest in the property, so if Eagle View Lofts, LLC fails to construct or maintain the improvements as described above or otherwise fails to abide by the terms and conditions set forth in the conveyance documents, ownership in the property shall revert back to the City; and

WHEREAS, the construction of said parking lot shall be completed no later than June 1, 2017; and

WHEREAS, in addition to the perpetual easement for public ingress-egress, parking and dumpster space, the City shall also receive a permanent easement for access and connection to all existing utilities currently within the property to be conveyed, and

WHEREAS, closing on the conveyance to Eagle View Lofts, LLC must occur concurrently with Eagle View Lofts, LLC's closing on the purchase of the adjacent properties currently owned by the City and the Des Moines Metropolitan Wastewater Reclamation Authority; and

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WHEREAS, there is no current or future City need for the Property to be sold, the City will not be inconvenienced by the sale of the Property, the City will benefit from the perpetual easement for public ingress-egress, parking and dumpster space and will save on maintenance costs, and City staff recommends approval of the sale as in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating approximately 0.63 acres of Allen Park, legally described as follows:

A PART OF VACATED MAURY STREET SOUTH OF BLOCK 58 IN THE TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 58, TOWN OF DE MOINE; THENCE SOUTH 14°57'04" EAST, 80.00 FEET TO THE NORTHEAST CORNER OF BLOCK 66, TOWN OF DE MOINE; THENCE SOUTH 74°59'11" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 66, A DISTANCE OF 297.50 FEET; THENCE NORTH 14°57'04" WEST, 14.88 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 45.00 FEET, WHOSE ARC LENGTH IS 73.02 FEET AND WHOSE CHORD BEARS NORTH 61°26'13" WEST, 65.27 FEET; THENCE NORTH 14°57'04" WEST, 20.13 FEET TO THE SOUTH LINE OF SAID BLOCK 58 AND THE WESTERLY EXTENSION THEREOF; THENCE NORTH 74°59'11" EAST ALONG SAID SOUTH LINE, 344.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.61 ACRES (26,449 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 2. That if the City Council decides to vacate the above described parkland, the City of Des Moines, Iowa, further proposes to convey such vacated portion of Allen Park, as legally described below, to Eagle View Lofts, LLC for \$1.00 and the construction and maintenance of a paved parking lot, and a perpetual easement for the exclusive right to ten parking spaces in the parking lot, adjacent space for dumpster and enclosing structure, and ingress-egress thereto for users of Allen Park and the new community garden, subject to the reservation of a permanent easement for access and connection to current utilities, and further subject to the City's reversionary interest in the property:

A PART OF VACATED MAURY STREET SOUTH OF BLOCK 58 IN THE TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 58, TOWN OF DE MOINE; THENCE SOUTH 14°57'04" EAST, 80.00 FEET TO THE NORTHEAST CORNER OF

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BLOCK 66, TOWN OF DE MOINE; THENCE SOUTH 74°59'11" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 66, A DISTANCE OF 297.50 FEET; THENCE NORTH 14°57'04" WEST, 14.88 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 45.00 FEET, WHOSE ARC LENGTH IS 73.02 FEET AND WHOSE CHORD BEARS NORTH 61°26'13" WEST, 65.27 FEET; THENCE NORTH 14°57'04" WEST, 20.13 FEET TO THE SOUTH LINE OF SAID BLOCK 58 AND THE WESTERLY EXTENSION THEREOF; THENCE NORTH 74°59'11" EAST ALONG SAID SOUTH LINE, 344.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.61 ACRES (26,449 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. A public hearing shall be held on February 8, 2016, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. There are no proceeds associated with this transaction.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

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

