

Date April 11, 2016

**SET HEARING FOR VACATION AND LEASE OF A PORTION OF 14<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING 1459 GRAND AVENUE TO LINDEN STREET INVESTMENTS, L.L.C. IN EXCHANGE FOR A PERMANENT EASEMENT FOR PUBLIC PEDESTRIANWAY ACROSS ADJOINING PROPERTY OWNED BY LINDEN STREET INVESTMENTS, L.L.C.**

**WHEREAS**, on March 21, 2016, by Roll Call No. 16-0462, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission that an irregular portion of right-of-way located in approximately the west 13.5 feet of 14<sup>th</sup> Street between Grand Avenue and Ingersoll Avenue, ("City Right-of-Way"), hereinafter more fully described, be vacated as requested by Linden Street Investments, L.L.C., subject to reservation of necessary easements for utilities now in place; and

**WHEREAS**, Linden Street Investments, L.L.C. wishes to lease the City Right-of-Way for private visitor and vendor parking purposes to access the adjoining property of 1459 Grand Avenue; and

**WHEREAS**, the City's Real Estate Division has negotiated a Lease Agreement with Linden Street Investments, L.L.C. as Lessee, which Agreement will include, among other terms, a fixed lease term commencing from April 1, 2018, until March 31, 2043, with the option to extend this Agreement for one additional twenty-five year period commencing on April 1, 2043, and ending on March 31, 2068; and

**WHEREAS**, pursuant to the negotiated Lease Agreement, as consideration for the use of the City Right-of-Way Linden Street Investments, L.L.C. shall convey a Permanent Easement for Public Pedestrian Way to the City of Des Moines, Iowa, across their adjoining property at no cost to the City; and

**WHEREAS**, the City's Real Estate Division has determined the fair market value of the Permanent Easement for Public Pedestrian Way to be equal to the fair market value of the negotiated Lease Agreement; and

**WHEREAS**, the vacation and lease of the City Right-of-Way for the purposes described herein will not adversely affect the use of adjoining real estate by the City for municipal purposes, and the City will not be inconvenienced by vacation of the City Right-of-Way and approval of the proposed Lease Agreement with Linden Street Investments, L.L.C..

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

1. The City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the west 13.5 feet of 14<sup>th</sup> Street between Grand Avenue and Ingersoll Avenue, Des Moines, Iowa, as described below, and further proposes to enter into a Lease Agreement with Linden Street Investments, L.L.C. for the use of vacated right-of-way for private visitor and vendor parking purposes to access the adjoining property of 1459 Grand Avenue, in exchange for Linden Street Investments, L.L.C. conveying to the City of Des Moines, Iowa a Permanent Easement for Public Pedestrian Way

Date April 11, 2016

across their adjoining property, and further subject to all terms and conditions contained in the Lease Agreement:

AN IRREGULAR SHAPED AREA OVER AND ACROSS 14TH STREET RIGHT OF WAY BETWEEN GRAND AVENUE AND INGERSOLL AVENUE AND OVER AND ACROSS LINDEN STREET RIGHT OF WAY BETWEEN 14TH STREET AND 15TH STREET, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 27, FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; THENCE N00°07'39"W ASSUMED BEARING FOR THIS DESCRIPTION, ALONG THE WEST RIGHT OF WAY LINE OF SAID 14TH STREET, A DISTANCE OF 133.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID LINDEN STREET; THENCE N89°39'03"W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 4.00 FEET; THENCE N00°07'39"W, A DISTANCE OF 66.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID LINDEN STREET; THENCE S89°39'03"E ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 4.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID 14TH STREET; THENCE N00°07'39"W ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 158.00 FEET; THENCE S89°39'01"E, A DISTANCE OF 13.50 FEET; THENCE S00°07'39"E, A DISTANCE OF 357.85 FEET; THENCE S89°52'21"W, A DISTANCE OF 13.50 FEET TO THE POINT OF BEGINNING.

2. A public hearing will be held on April 25, 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 of the City of Des Moines, Iowa, will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Iowa Code Section 362.3.

★ Roll Call Number

Agenda Item Number

21

Date April 11, 2016

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

APPROVED AS TO FORM:

Lisa A, Wieland, Assistant City Attorney

PSW

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

21

High St



Ingersoll Ave

14th St

15th St

Grand Ave

**Legend**

-  Sidewalk Easement Area
-  Area to be Vacated and Leased

