

Date December 19, 2016

**SET HEARING FOR VACATION OF A FEE INTEREST AND SUBSURFACE RIGHTS IN PORTIONS OF WATSON POWELL JR. WAY STREET RIGHT-OF-WAY AND THE ADJACENT NORTH/SOUTH ALLEY RIGHT-OF-WAY ALL ADJOINING 550 WATSON POWELL JR. WAY AND CONVEYANCE OF A FEE INTEREST AND AN EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT THEREIN TO HRC 6<sup>TH</sup> STREET, L.L.C. FOR \$34,308.00**

**WHEREAS**, on \_\_\_\_\_, by Roll Call No. \_\_\_\_\_, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request for the vacation and conveyance of a fee interest and subsurface rights within portions of the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated and further subject to all conditions set forth by the Planning and Zoning Commission; and

**WHEREAS**, HRC 6<sup>th</sup> Street L.L.C., the owner of 550 Watson Powell Jr. Way, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$34,308.00 for the purchase of a fee interest and subsurface rights within portions of the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way, for incorporation into their adjoining property for development of a parking lot and a housing project, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and all conditions set forth by the Planning and Zoning Commission, which price reflects the fair market value of said fee interest and subsurface rights as determined by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the fee interest and subsurface rights within the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way, proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property interests.

**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 a fee interest and subsurface rights within portions of the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way, legally described as follows:

FEE INTEREST:

THAT PART OF RIGHT OF WAY OF WATSON POWELL JR WAY LYING IN A PART OF LOT 2, C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF

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BLOCK 'T' IN GRIMMEL'S ADDITION, AN OFFICIAL PLAT AND THAT PART OF THE ALLEY LYING EAST OF SAID LOT 2, 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 NORTHWEST CORNER OF LOT 3, SAID C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION; THENCE NORTH 28°31'35" EAST, 10.25 FEET; THENCE SOUTH 89°26'20" EAST, 80.12 FEET; THENCE SOUTH 06°14'07" EAST, 9.12 FEET TO THE NORTH LINE OF LOT 6, ALHAMBRA NO. 2, AN OFFICIAL PLAT; THENCE NORTH 89°26'20" WEST ALONG SAID NORTH LINE, 2.95 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTH 89°26'20" WEST, 9.06 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°26'20" WEST ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 74.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 752 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

SUBSURFACE RIGHTS:

THAT PART OF SUBSURFACE RIGHT OF WAY OF WATSON POWELL JR WAY LYING IN A PART OF LOT 2, C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING NORTHEAST CORNER OF LOT 3, C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION, AN OFFICIAL PLAT; THENCE NORTH 89°26'20" WEST ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 26.25 FEET; THENCE NORTH 00°33'40" EAST, 9.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°26'20" WEST, 8.06 FEET; THENCE NORTH 06°11'17" WEST, 6.05 FEET; THENCE NORTH 83°48'43" EAST, 8.00 FEET; THENCE SOUTH 06°11'17" EAST, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 52 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell a fee interest and grant an Easement for Subsurface Building Encroachment on City-Owned Property within portions of the Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way, all of which adjoin 550 Watson Powell Jr. Way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

Grantee: HRC 6<sup>th</sup> Street, L.L.C.

Consideration: \$34,308.00

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Legal Description:

FEE INTEREST:

THAT PART OF VACATED RIGHT OF WAY OF WATSON POWELL JR WAY LYING IN A PART OF LOT 2, C.H. ATKIN'S SUBDIVISION OF LOT 13 OF THE OFFICIAL PLAT OF BLOCK 'T' IN GRIMMEL'S ADDITION, AN OFFICIAL PLAT AND THAT PART OF THE VACATED ALLEY LYING EAST OF SAID LOT 2, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such fee simple interest and an Easement for Subsurface Building Encroachment on City-Owned Property is to be considered shall be on January 9, 2017, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal 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*  
Lisa A. Wieland, Assistant City Attorney

*PJW*

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

Watson Powell Jr Way

**PROJECT  
LOCATION**

5th Ave

High St

6th Ave

Grand Ave

**Legend**

 PROJECT LOCATION

