

Date December 4, 2017

SET HEARING FOR VACATION OF A PORTION OF FALCON DRIVE AND NORTH-SOUTH ALLEY RIGHT-OF-WAY AND CONVEYANCE OF SAID VACATED RIGHT-OF-WAY AND OTHER EXCESS CITY PROPERTY ALL ADJOINING 1514 WALNUT STREET TO EXILE BREWING COMPANY, LLC FOR \$3,240.00

WHEREAS, on November 16, 2017, the City Plan and Zoning Commission voted to recommend to the City Council of the City of Des Moines, Iowa, that a portion of Falcon Drive and adjoining north-south alley right-of-way between 15th Street and 16th Street south of Walnut Street, adjoining the property at 1514 Walnut Street, hereinafter more fully described, be vacated, subject to reservation of easements for all existing utilities in place until such time that they are abandoned or relocated, to allow the property to be assembled with the existing Exile Brewing site; and

WHEREAS, Exile Brewing Company, LLC has offered to the City of Des Moines ("City") \$3,240.00 for the purchase of the portion of vacated Falcon Drive and north-south alley right-of-way, and other excess City property ("Property"), all adjoining 1514 Walnut Street, to be assembled with the existing Exile Brewing Company property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to a no-build easement which will be included in the deed, which price reflects the restricted-use fair market value of the Property as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold, and the City will not be inconvenienced by the vacation and conveyance of said Property.

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 portion of Falcon Drive and north-south alley right-of-way adjoining 1514 Walnut Street, legally described as follows:

A PART OF NORTH AND SOUTH ALLEY ADJACENT TO LOTS 12, 13, 18 AND 20, OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT AND A PART OF FALCON DRIVE LYING BETWEEN 15TH STREET AND 16TH STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 42, LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT; THENCE NORTH 15°(DEGREES) 50'(MINUTES) 15"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK 42, A DISTANCE OF 150.37 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18; THENCE SOUTH 74°09'41" WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 84.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE

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RADIUS IS 190.00 FEET, WHOSE ARC LENGTH IS 32.82 FEET AND WHOSE CHORD BEARS SOUTH 43°56'01" WEST, 32.77 FEET TO A POINT ON THE NORTH LINE OF LOT 7, BLOCK 42 OF SAID LYON'S ADDITION TO FORT DES MOINES; THENCE SOUTH 74°09'41" WEST ALONG THE NORTH LINE OF LOTS 7, 6 AND 5 OF SAID BLOCK 42, LYON'S ADDITION TO FORT DES MOINES, 160.17 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 273.00 FEET, WHOSE ARC LENGTH IS 17.17 FEET AND WHOSE CHORD BEARS NORTH 31°53'47" WEST, 17.17 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 20; THENCE NORTH 74°09'41" EAST ALONG SAID SOUTH LINE, 129.78 FEET TO THE SOUTHEAST CORNER OF SAID LOT 20; THENCE NORTH 15°42'41" WEST ALONG THE EAST LINE OF SAID LOTS 20 AND 12, A DISTANCE OF 13.85 FEET TO A POINT 9.85 FEET NORTH OF THE SOUTH LINE OF SAID LOTS 12 AND 13; THENCE NORTH 74°09'41" EAST ALONG A LINE 9.85 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOTS 12 AND 13, A DISTANCE OF 16.50 FEET TO A POINT ON THE WEST LINE OF SAID LOT 13; THENCE SOUTH 15°42'41" EAST ALONG SAID WEST LINE, 13.85 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE NORTH 74°09'41" EAST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 46.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES (3161 SQ. FT.)

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of vacated Falcon Drive and north-south alley right-of-way, and other excess City property, all adjoining 1514 Walnut Street, as legally described and to the grantee and for the consideration identified below, subject to the reservation of easements therein and further subject to a no-build easement:

Grantee: Exile Brewing Company, LLC

Consideration: \$3,420.00

Legal Description:

A PART OF LOTS 13, 14, 18 AND 20, OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT;

AND

A PART OF LOTS 5, 6 AND 7 OF BLOCK 42, LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT;

AND

A PART OF VACATED NORTH AND SOUTH ALLEY ABUTTING ON LOTS 6 AND 7 OF THE SOUTH 1/2 OF BLOCK 42 OF LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT;

AND

A PART OF VACATED FALCON DRIVE AND NORTH AND SOUTH ALLEY LYING BETWEEN 15TH STREET AND 16TH STREET IN THE OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 8 OF SAID BLOCK 42, LYON'S ADDITION TO FORT DES MOINES; THENCE NORTH 15°(DEGREES) 50'(MINUTES)

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15"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK 42, A DISTANCE OF 164.22 FEET TO THE NORTHERLY LINE OF THE SOUTHERLY 9.85 FEET OF LOTS 13, 14, 15 AND 16 OF SAID OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES; THENCE SOUTH 74°09'41" WEST ALONG A LINE 9.85 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOTS 14, 15 AND 16, A DISTANCE OF 67.58 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 190.00 FEET, WHOSE ARC LENGTH IS 138.51 FEET AND WHOSE CHORD BEARS SOUTH 53°09'41" WEST, 135.46 FEET; THENCE SOUTH 74°02'45" WEST, 11.10 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 235.00 FEET, WHOSE ARC LENGTH IS 46.92 FEET AND WHOSE CHORD BEARS SOUTH 68°19'32" WEST, 46.84 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 15.00 FEET, WHOSE ARC LENGTH IS 21.52 FEET AND WHOSE CHORD BEARS NORTH 76°17'21" WEST, 19.72 FEET; THENCE NORTH 35°11'03" WEST, 6.94 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 273.00 FEET, WHOSE ARC LENGTH IS 28.37 FEET AND WHOSE CHORD BEARS NORTH 32°12'25" WEST, 28.36 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 20; THENCE NORTH 74°09'41" EAST ALONG SAID NORTH LINE, 130.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 20 AND ALSO BEING THE SOUTHEAST CORNER OF LOT 12 OF SAID OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES; THENCE NORTH 15°42'41" WEST ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 9.85 FEET; THENCE NORTH 74°09'41" EAST, 16.50 FEET TO THE NORTHERLY LINE OF THE SOUTHERLY 9.85 FEET OF LOTS 13, 14, 15 AND 16 OF SAID OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES; THENCE SOUTH 15°42'41" EAST ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 4.93 FEET; THENCE NORTH 74°09'42" EAST, 35.00 FEET; THENCE NORTH 15°50'15" WEST, 4.93 FEET TO THE NORTHERLY LINE OF THE SOUTHERLY 9.85 FEET OF LOTS 13, 14, 15 AND 16 OF SAID OFFICIAL PLAT OF LOTS 1-2-3 & 4 IN BLOCK 42 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES; THENCE NORTH 74°09'41" EAST ALONG SAID NORTHERLY LINE, 29.32 FEET TO THE POINT OF BEGINNING CONTAINING 0.16 ACRES (6789 SQ. FT.)

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such Property is to be considered shall be on December 18, 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. 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. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

★ Roll Call Number

Agenda Item Number

21A

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Moved by _____ to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

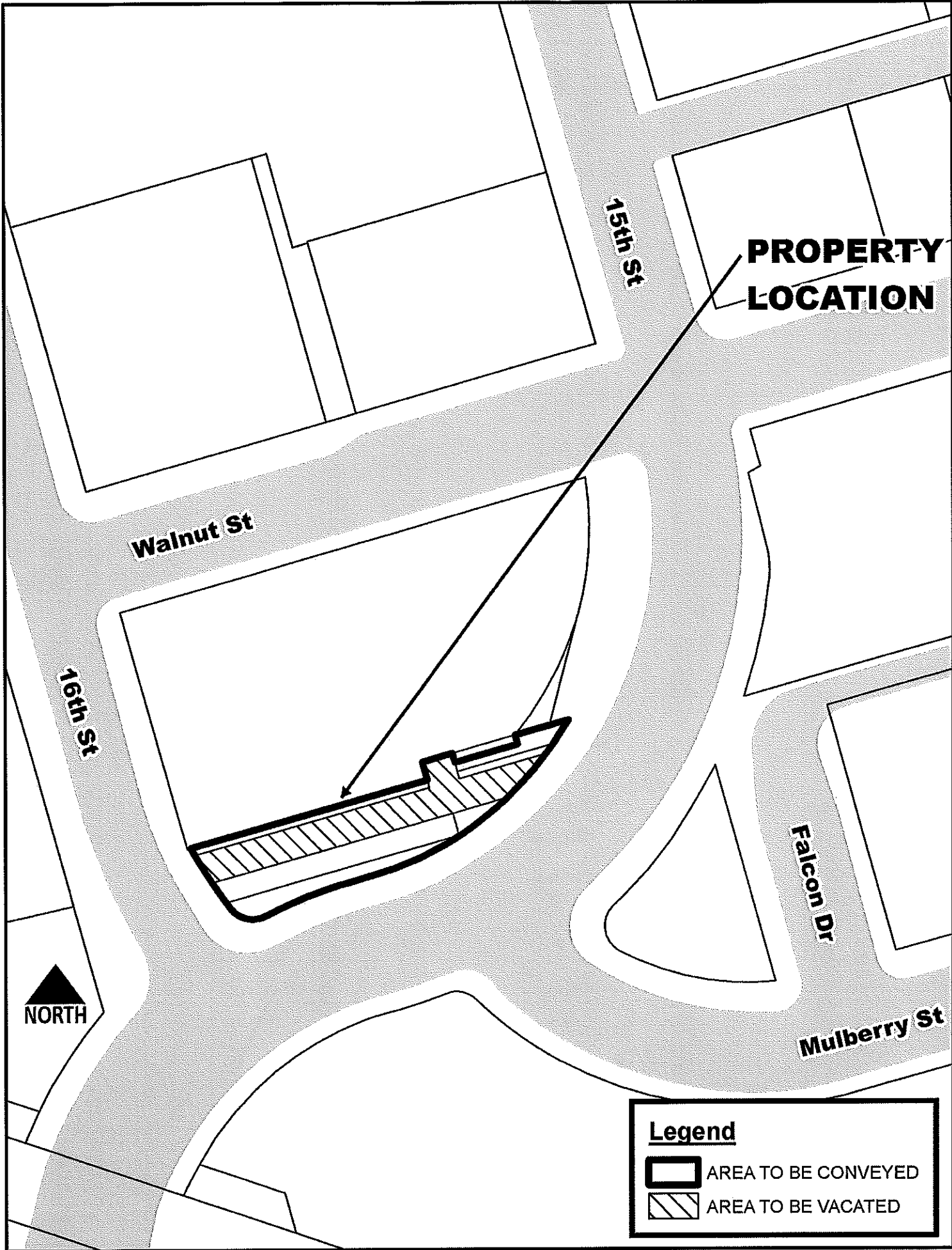
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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



**PROPERTY
LOCATION**

Walnut St

15th St



16th St

Falcon Dr

Mulberry St

NORTH

Legend

-  AREA TO BE CONVEYED
-  AREA TO BE VACATED