

Date December 18, 2017

**HOLD 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; and

**WHEREAS**, on December 4, 2017, by Roll Call No. \_\_\_\_\_, it was duly resolved by the City Council that the proposed vacation and conveyance of the Property be set down for hearing on December 18, 2017, at 5:00 p.m., in the City Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey the City Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation of a portion of Falcon Drive and north-south alley right-of-way and conveyance of said right-of-way and other excess City property, all adjoining 1514 Walnut Street, as described below, are hereby overruled and the hearing is closed.

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2. There is no public need for the property proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a portion of Falcon Drive and north-south alley right-of-way adjoining 1514 Walnut Street, as legally described below, and said vacation is hereby approved:

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 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.)

3. The proposed conveyance of such vacated portion of Falcon Drive and vacated 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 requirements of the City Plan and Zoning Commission recommendation, including the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and the reservation of a no-build easement which will be included in the deed, is hereby approved:

Grantee: Exile Brewing Company, LLC  
Consideration: \$3,420.00  
Legal Description:

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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 AS DESCRIBED IN ORDINANCE FILE # \_\_\_\_\_

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) 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.)

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4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the \$3,240.00 consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 17- 857)

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

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

RW

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





November 22, 2017

Date \_\_\_\_\_  
 Agenda Item 57  
 Roll Call # \_\_\_\_\_

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their November 16, 2017 meeting, the following action was taken regarding a City initiated request for vacation of a segment of Falcon Drive between 15th Street and 16th Street south of Walnut Street, adjoining the property at 1514 Walnut Street. This would allow the property to be assembled with the existing Exile Brewing site.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier				X

**APPROVAL** of vacation of a segment of Falcon Drive between 15th Street and 16th Street south of Walnut Street, adjoining the property at 1514 Walnut Street. This would allow the property to be assembled with the existing Exile Brewing site. (11-2017-1.16)

Written Responses

0 in Favor

0 in opposition

## RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The vacation would allow the property to be assembled with the existing Exile Brewing site.
2. **Size of Site:** The subject property is 3,200 square feet (0.073 acres).
3. **Existing Zoning (site):** "C-3A" Central Business District Support, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Primarily vacant land adjacent to Exile Brewing and an unused segment of Falcon Drive Right-of-Way.
5. **Adjacent Land Use and Zoning:**
  - East** - "C-3A"; Use is 15<sup>th</sup> Street Right-of-Way.
  - West** - "C-3B"; Uses are 16<sup>th</sup> Street Right-of-Way and a Meredith Corporation surface parking lot.
  - North** - "C-3A"; Use is Exile Brewing.
  - South** - "C-3A"; Use is 15<sup>th</sup> Street Right-of-Way.
6. **General Neighborhood/Area Land Uses:** The subject property is located in Downtown Des Moines to the north and west of 15<sup>th</sup> Street and to the east of 16<sup>th</sup> Street. The surrounding area consists of a mix of surface parking, commercial, residential, and office building uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Downtown Des Moines Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on October 27, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on November 6, 2017 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the applicable neighborhood association contact. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on November 9, 2017. The Downtown Des Moines Neighborhood mailings were sent to Tony Filippini, 1719 Grand Avenue #210, Des Moines, IA 50309.
8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** The proposed project area is designated as "Downtown Mixed Use" on the Future Land Use Map.



**10. Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks; to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

- 1. Utilities:** A 12-inch Des Moines Water Works water main is located along the southwestern edge of the subject property. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The requested vacations would have no impact on the public's ability to use the 15<sup>th</sup> Street and 16<sup>th</sup> Street roadways or sidewalks.

### **SUMMARY OF DISCUSSION**

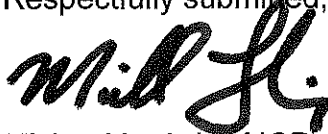
Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

### **COMMISSION ACTION:**

Greg Jones moved staff recommendation for approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

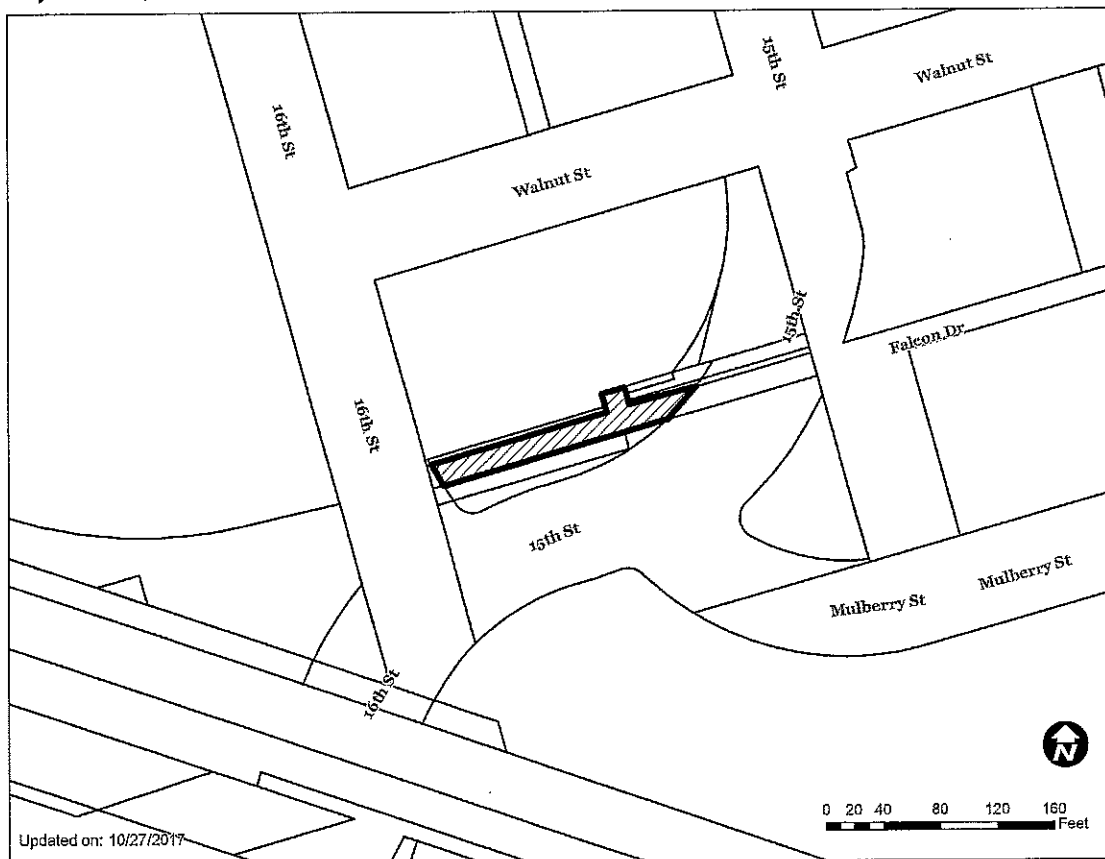
MGL:tjh  
Attachments



City initiated request for property at 1514 Walnut Street.				File #	
				11-2017-1.16	
<b>Description of Action</b>	Vacation of a segment of Falcon Drive between 15th Street and 16th Street south of Walnut Street. This would allow the property to be assembled with the existing Exile Brewing site.				
<b>PlanDSM Future Land Use</b>	Current: Downtown Mixed Use. Proposed: N/A.				
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"C-3A" Central Business District Support Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.				
<b>Proposed Zoning District</b>	N/A.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
<b>Subject Property</b>	0	0			
<b>Outside Area (200 feet)</b>					
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

City initiated, Falcon Drive between 15th Street and 16th Street

11-2017-1.16



Updated on: 10/27/2017

1 inch = 78 feet