

Date May 21, 2018

**SET HEARING FOR VACATION OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING 215 SOUTHWEST 9<sup>TH</sup> STREET, AND CONVEYANCE OF SAID VACATED ALLEY AND THE EXCESS CITY-OWNED PROPERTY LOCATED AT 215 SOUTHWEST 9TH STREET, TO ORTON DEVELOPMENT COMPANY, L.L.C. FOR \$320,312**

**WHEREAS**, the City of Des Moines, Iowa, (“City”) is the owner of certain real estate located on the south side of Martin Luther King, Jr. Parkway between the Southwest 8<sup>th</sup> Street and Southwest 9<sup>th</sup> Street viaducts, consisting of an east-west alley right-of-way and excess City property locally known as 215 Southwest 9<sup>th</sup> Street, Des Moines, Iowa (collectively hereinafter “Property”), more particularly described below; and

**WHEREAS**, on May 17, 2018, City Plan and Zoning Commission received a City Council initiated request to vacate a portion of said east-west alley right-of-way located south of and adjoining 215 Southwest 9<sup>th</sup> Street to allow it to be assembled with said adjoining excess City property for redevelopment; and

**WHEREAS**, Orton Development Company, L.L.C. has offered to the City of Des Moines, Iowa, the purchase price of \$320,312.00 for the purchase of said Property in order to construct a new six (6)-story market rate multi-family residential apartment project on the Property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and further subject to the development requirements set forth in the Offer to Purchase, which price reflects the fair market value of said Property as determined by an independent appraisal; and

**WHEREAS**, there is no known current or future public need or benefit for the Property proposed to be vacated and/or sold, and the City will not be inconvenienced by the vacation and/or sale 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 the east-west alley right-of-way located south of and adjoining 215 Southwest 9th Street, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated:

-EXCEPT THE SOUTH 8.0 FEET OF THE EAST 82.5 FEET OF PARCEL A, SAID PARCEL A RECORDED IN BOOK 14873 PAGES 760-761 AT THE POLK COUNTY RECORDER’S OFFICE-

ALL OF SAID PARCEL A, SAID PARCEL A BEING A PART OF LOT 62, FACTORY ADDITION, AN OFFICIAL PLAT, AND PART OF LOTS 1 AND 8 AND INTERVENING ALLEY IN BLOCK 7, H.M. HOXIE’S ADDITION, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Date May 21, 2018

2. That if the City Council decides to vacate the above described right-of-way, the City further proposes to sell said vacated right-of-way, and the adjoining excess City property locally known as 215 Southwest 9<sup>th</sup> Street, all as legally described below, to Orton Development Company, L.L.C. for \$320,312.00, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and further subject to the development requirements set forth in the Offer to Purchase:

-EXCEPT THE SOUTH 8.0 FEET OF THE EAST 82.5 FEET OF PARCEL A, SAID PARCEL A RECORDED IN BOOK 14873 PAGES 760-761 AT THE POLK COUNTY RECORDER'S OFFICE-

DISPOSAL PARCEL 13 AS SHOWN ON THE PLAT OF SURVEY RECORDED AT POLK COUNTY RECORDER'S OFFICE IN BOOK 12736 PAGE 582, BEING PART OF LOTS 1, 2, 6, 7 AND 8, BLOCK 7, H.M. HOXIE'S ADDITION, AN OFFICIAL PLAT, AND LOT 62 FACTORY ADDITION, AN OFFICIAL PLAT, AND THE INTERVENING ALLEYS AND VACATED ALLEYS IN SAID PARCEL, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.92 ACRES (40,039 SQUARE FEET).

3. A public hearing shall be held on June 11, 2018, 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. The ML King, Jr. Pkwy project encumbered proceeds from this sale (\$238,704.00) will be deposited into the Fed Title 23 Land Sales Account, ST500.

6. The unencumbered non-project related proceeds from this sale (\$81,600.00) will be deposited into the Economic Development Enterprise Fund, CM025033.

★ Roll Call Number

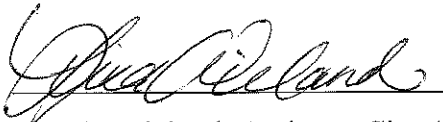
Agenda Item Number

30

Date May 21, 2018

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

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

*PSW*

COUNCIL ACTION	YEAS	NAVS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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