

Date June 11, 2018

HOLD HEARING FOR VACATION OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING 215 SOUTHWEST 9TH 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 8th Street and Southwest 9th Street viaducts, consisting of east-west alley right-of-way and excess City property locally known as 215 Southwest 9th Street, Des Moines, Iowa (hereinafter “Property”), more particularly described below; and

WHEREAS, on May 17, 2018, City Plan and Zoning Commission voted to approve a City Council initiated request to vacate a portion of said east-west alley right-of-way located south of and adjoining 215 Southwest 9th Street to allow it to be assembled with said adjoining excess City property for redevelopment, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated; 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, the City has no known current or anticipated public need 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; and

WHEREAS, on May 21, 2018, by Roll Call No. 18-0871, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set down for hearing on June 11, 2018, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate a portion of east-west alley right-of-way located south of and adjoining 215 Southwest 9th Street, and convey said vacated right-of-way, and the adjoining excess City property locally known as 215 Southwest 9th Street, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

Date June 11, 2018

WHEREAS, in accordance with City Council direction, those interested in the 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of a portion of east-west alley right-of-way located south of and adjoining 215 Southwest 9th Street and conveyance of said vacated right-of-way, and the adjoining excess City property locally known as 215 Southwest 9th Street, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the City alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east/west alley right-of-way located south of and adjoining 215 Southwest 9th Street, Des Moines, Iowa, as legally described below, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and said vacation is hereby approved:

-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.

3. The proposed sale of such vacated right-of-way, and the adjoining excess City property locally known as 215 Southwest 9th Street, as legally described below, to Orton Development Company, L.L.C. for \$320,312.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, 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, is hereby approved:

-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).

★ **Roll Call Number**

Agenda Item Number

60

Date June 11, 2018

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 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 document 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 the document to be recorded.
7. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
8. The ML King, Jr. Pkwy project encumbered proceeds from this sale (\$238,712.00) will be deposited into the Fed Title 23 Land Sales Account, ST500.
9. 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

60

Date June 11, 2018

(Council Communication No. 18- 301)

Moved by _____ to adopt.

APPROVED AS TO FORM:

[Handwritten Signature]

Lisa A. Wieland, Assistant City Attorney

pm

COUNCIL ACTION	YEAS	NAYS	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