

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH/SOUTH ALLEY RIGHT-OF WAY ADJOINING 401 SE 7TH STREET AND CONVEYANCE OF THE VACATED RIGHT-OF-WAY AND EXCESS CITY PROPERTY LOCALLY KNOWN AS 401 SE 7TH STREET TO NEWBURY MANAGEMENT COMPANY FOR \$376,320.00

WHEREAS, the City of Des Moines, Iowa (“City”) is the owner of certain excess real estate located at 401 SE 7th Street and the north/south alley right-of-way located east of and adjoining 401 SE 7th Street, Des Moines, Iowa (hereinafter collectively “Property”), more particularly described below; and

WHEREAS, Newbury Management Company, an Iowa corporation, the owner of 400 and 406 SE 8th Street, Des Moines, Iowa has requested the vacation of the north/south alley right-of-way located west of and adjoining their property, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b), Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

WHEREAS, Newbury Management Company has offered to the City the purchase price of \$376,320.00 for the purchase of said Property for assemblage with their adjoining property for development of a housing project, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which will be included in the Quit Claim Deed from City to Buyer, and further subject to the Buyer securing low-income housing tax credits, and closing on the conveyance only to occur in accordance with the City of Des Moines review and approval of a Site Plan for redevelopment on file with the Development Services Department, which price reflects the fair market value of the City Property as determined by an independent appraisal; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold, including the alley right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation and sale of said property.

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 the north/south alley right-of way located east of and adjoining 401 SE 7th Street, legally described as follows:

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, BLOCK 41, TOWN OF DE MOINE, OFFICIAL PLAT, NOW

.....
Date March 10, 2025

INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2,016 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell certain City of Des Moines real estate located at 401 SE 7th Street, Des Moines, Iowa, as well as the vacated north/south alley right-of way located east of and adjoining 401 SE 7th Street, as legally described, to grantee, and for the consideration identified below, subject to a reservation of easements therein and further subject to the Buyer securing low-income housing tax credits, and closing on the conveyance only to occur in accordance with the City of Des Moines review and approval of a Site Plan for redevelopment on file with the Development Services Department:

Grantee: Newbury Management Company

Consideration: \$376,320.00

Legal Description:

LOTS 1 THROUGH 2, AND ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING SAID LOTS 1 AND 2, ALL IN BLOCK 41, TOWN OF DE MOINE, OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 18,816 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way and excess City-owned property is to be considered shall be on March 24, 2025, said meeting to be held 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

4. 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. Proceeds from the sale of 401 SE 7th Street (\$336,000.00) will be deposited into the Fed Title 23 Land Sales Account, ST500.

6. Non-project related land sale proceeds (\$40,320.00) are used to support general operating budget expenses: Org – EG064090.

 **Roll Call Number**

Agenda Item Number

19

Date March 10, 2025

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Grant Hyland
 Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED APPROVED

 Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

 Laura Baumgartner, City Clerk

