

Date March 24, 2025

HOLD 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; and

WHEREAS, on March 10, 2025 by Roll Call No. 25-0351, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the alley right-of way and conveyance of the Property be set for hearing on March 24, 2025, at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate the alley right-of way and convey City Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

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.

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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 the proposed vacation and conveyance of the north/south alley right-of-way lying east of and adjoining 401 SE 7th Street, Des Moines, Iowa, and the proposed conveyance of excess City Property located at 401 SE 7th Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved:

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

3. The proposed sale of the vacated right-of way and excess City Property located at 401 SE 7th Street, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to reservation of 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, and said conveyance is hereby approved:

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.

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. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

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

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

(Council Communication No. 25-108)

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Grant Hyland
 Grant Hyland, Assistant City Attorney

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.

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

MOTION CARRIED APPROVED

 Mayor

 Laura Baumgartner, City Clerk

