

★ Roll Call Number

10-1762

Agenda Item Number

51A

Page 1

Date October 25, 2010

**ACCEPTANCE OF REAL ESTATE FROM RYAN GALLOWAY FOR S1 AND DEDICATION OF SAID PROPERTY AS RIGHT-OF-WAY**

**WHEREAS**, on May 18, 2009 and October 25, 2010, by Roll Call Nos. 09-902 and 10- 1761 \_\_\_\_\_, the City Council of the City of Des Moines approved the vacation and conveyance of portions of excess street and alley rights-of-way located between 18<sup>th</sup> Street and 19<sup>th</sup> Street from Atkins Street to Day Street to Ryan Galloway, owner of 1051 19<sup>th</sup> Street, for assemblage for site plan of multiple-family residential redevelopment; and

**WHEREAS**, on September 16, 2010 the City Plan and Zoning Commission received a request from Hatch Development Group (developer), represented by Jack Hatch, for review and approval of a Site Plan "MLK Brickstone Apartments Phase 2" under design guidelines in NPC Districts and for Multiple-family Residential, on property located at 1051 19<sup>th</sup> Street, to allow construction of a three-story residential apartment building with 30 units, and thereafter the City Plan and Zoning Commission recommended approval of the submitted site plan under the "NPC" District Design Guidelines and design guidelines for multiple-family dwellings subject to various conditions; and

**WHEREAS**, upon further review of Phase 2 of the MLK Brickstone Apartments project, it was determined by Plan and Zoning Staff that a portion of the City property previously conveyed for Phase 1 of said project is not necessary for the redevelopment project and should be transferred back to the City and re-dedicated by the City as public right-of-way, which property is legally described as follows:

The west ½ of the vacated north/south alley right-of-way lying east of and adjoining the north 10.0 feet of the south 20.0 feet of Lot 42, Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

**WHEREAS**, acceptance and re-dedication of this property as public right-of-way is in the best interest of the City of Des Moines.

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

1. That the afore-described real property and the attached document are hereby approved and accepted as follows:

Property Owner:	Ryan Galloway
Property Location:	Portion of public right-of-way between 18 <sup>th</sup> and 19 <sup>th</sup> Streets from Atkins to Day Street
Document Type:	Quit Claim Deed
Consideration:	\$1.00 plus closing costs

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2. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete the transactions in accordance with standard real estate practices.
3. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.
4. That the City Clerk is hereby authorized and directed to endorse upon the Real Estate documents listed above the approval and acceptance of this Council and is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.
5. The real property legally described above and accepted by the City by this resolution is hereby dedicated as public right-of-way.

(Council Communication No. 10-640)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*  
 ✓ Glenna K. Frank  
 Assistant City Attorney

*Ben*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED  
*T. M. Franklin* 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.

*Diane Rauh* City Clerk