

★ Roll Call Number

10-1766

Agenda Item Number

53

Date October 25, 2010

**HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY  
LYING WEST OF AND ADJOINING 2201 FOREST AVENUE TO ANAWIM HOUSING  
FOR \$1 FOR THE FOREST AVENUE URBAN RENEWAL PROJECT**

**WHEREAS**, on October 24, 2005 by Roll Call No. 05-2584, the City Council of the City of Des Moines adopted the Forest Avenue Urban Renewal Plan; and

**WHEREAS**, on September 11, 2006 by Roll Call No. 06-1810, the City Council of the City of Des Moines adopted the Amended Forest Avenue Urban Renewal Plan; and

**WHEREAS**, the City Council of the City of Des Moines established fair market value and subsequently acquired the properties located at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23<sup>rd</sup> Street; and

**WHEREAS**, on March 3, 2010 city staff sent notice requesting competitive Letters of Interest from developers for the site located on the north side of the 2200 block of Forest Avenue for development of rental units in a townhouse style; and

**WHEREAS**, a Letter of Interest and proposal was received from a partnership between Hubbell Realty and Anawim Housing by the submission deadline of May 28, 2010 to develop 16 units of rental housing on the site in (2) eight-unit buildings; and

**WHEREAS**, on June 28, 2010 by Roll Call No. 10-391, the City Council of the City of Des Moines approved a grant application to the Iowa Department of Economic Development (IDED) for Community Development Block Grant – Disaster Relief (CDBG-DR) funding for the construction of rental occupied units in response to a notice of funding distributed January 6, 2010; and

**WHEREAS**, Anawim Housing dba ANAWIM plans to enter into a Residential Development Agreement with the City of Des Moines and proposes and agrees to include Urban Renewal and Affordable Housing Covenants as part of the negotiated development agreement for the Forest Avenue Urban Renewal Project; and

**WHEREAS**, on September 13, 2010, by Roll Call No. 10-1454, it was duly resolved by the City Council that the proposed conveyance of real property at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23<sup>rd</sup> Street, be set down for hearing on September 27, 2010, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, on September 27, 2010, by Roll Call No. 10-1601, the City Council approved the conveyance of City-owned property located on the North side of the 2200 Block of Forest Avenue to Anawim Housing and approved the residential development agreement; and

**WHEREAS**, on October 7, 2010, the City Plan and Zoning Commission recommended approving a request from Anawim Housing (developer) represented by Russ Frazier (officer) for vacation of a segment of north/ south alley adjoining the west of the property at 2201 Forest Avenue, with

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provision of an ingress/egress easement for traffic using the remaining portion of the alley to the north as required in the residential development agreement and to proceed with requested vacation and conveyance; and

**WHEREAS**, on October 11, 2010 , by Roll Call No. 10-1643, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on October 25, 2010, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, on October 11, 2010, by Roll Call No. 10-1644, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of the north/south alley lying west of and adjoining 2201 Forest Avenue, hereinafter more fully described, be vacated and sold; and,

**WHEREAS**, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below; and,

**WHEREAS**, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said 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, the objections to said proposed vacation and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a segment of the north/south alley lying west of and adjoining 2201 Forest Avenue, more specifically described as follows:

The north/south alley lying west of and adjoining Lots 10 and 11, Block 2, Marquardt's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such right-of-way to Anawim Housing for \$1.00 be and is hereby approved:

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4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way, the City Clerk is authorized and directed to forward the original of the said 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 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 copies of the other documents to the grantees.

8. There will be no proceeds from the sale of this property.

(Council Communication No. 10-631)

Moved by Griess to adopt.

APPROVED AS TO FORM:



Michael F. Kelley  
 Assistant City Attorney

*RW*

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