



Roll Call Number

10-2077

Agenda Item Number

216

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Date December 20, 2010

SET HEARING FOR THE VACATION OF VARIOUS CITY-OWNED RIGHT-OF-WAY PARCELS AND CONVEYANCE OF SAID PARCELS AND ADDITIONAL EXCESS CITY-OWNED PROPERTY LOCATED NEAR I-235 AND MARTIN LUTHER KING JR. PARKWAY TO HATCH DEVELOPMENT GROUP LLC FOR \$51,500

WHEREAS, on November 8, 2010, by Roll Call No. 10-1834, the City Council of the City of Des Moines received a letter and Memo from Hatch Development Group LLC requesting that the City Council initiate the vacation of various City-owned right-of-way parcels, located near I-235 and Martin Luther King Jr. Parkway, to be used for infill development of single-family affordable housing, and City Council further referred this request to the City Plan and Zoning Commission and staff for review and recommendation; and

WHEREAS, on December 20, 2010, by Roll Call Nos. _____, the City Council received the recommendations from the Plan and Zoning Commission that said right-of-way parcels, hereinafter listed and more fully described, be vacated and sold subject to certain conditions including reservation of adequate right-of-way for street and sidewalk usage and of easement for existing utilities, and provision of one street tree per dwelling unit constructed; and

WHEREAS, Hatch Development Group LLC has offered to the City of Des Moines the total purchase price of \$51,500 for the vacation and conveyance of the City-owned right-of-way parcels and conveyance of an excess City-owned parcel, all as described below, which price reflects the total fair market value of the properties as appraised by an independent appraiser; and

WHEREAS, Hatch Development Group LLC, the City Real Estate Division and Legal Department have negotiated the Offer to Purchase Real Estate from the City of Des Moines and Acceptance (“Offer”) on file in the office of the City Clerk, which includes, among other terms, provisions that (1) the sale of these properties shall close on or before December 31, 2011, subject to the due diligence period of the Buyer and Zoning Board of Adjustment and Iowa Finance Authority review and approval, and (2) that the Buyer shall be required to obtain and provide to City surveys for those parcels listed below that include street and pedestrian right-of-way, of which parcels a portion of the full parcel shall be conveyed to the buyer for development and the remainder shall be retained by the City and rededicated for right-of-way usage; and

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

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the following parcels, more specifically described as follows, and that if the Council decides to vacate said right-of-way, the City of Des Moines proposes to sell such right-of-way to Hatch Development

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Group LLC for the consideration as set forth per parcel below, all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offer on file with the City Clerk:

1120 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/00763-001-000
Legally Described as: Lot 27 of T.K. Clarkes Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
Portion of Purchase Price for this Parcel: \$6,000.00

No Address Assigned, Polk County Assessor District/Parcel No. 030/00768-001-000
Legally Described as: Lots 32 and 33 of T.K. Clarkes Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)
Portion of Purchase Price for this Parcel: \$6,500.00

1055 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/04836-001-000
Legally Described as: Lot 37 of Tidricks Addition, an Official Plat, in and forming a part of the City of Des Moines, Polk County, Iowa
AND
No Address Assigned, Polk County Assessor District/Parcel No. 030/04837-000-000
Legally Described as: A portion of Lot 38 Tidricks Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)
Portion of Purchase Price for this Parcel: \$7,500.00

1037 18th Street, Polk County Assessor District/Parcel No. 030/01668-001-000
Legally Described as: Lots 31 and 32 of Block 2, Glendale, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
AND
No Address Assigned, Polk County Assessor District/Parcel No. 030/01666-001-000
Legally Described as: A portion of Lot 30 of Block 2, Glendale, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)
Portion of Purchase Price for this Parcel: \$7,500.00

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No Address Assigned, Polk County Assessor District/Parcel No. 030/00986-000-000
 Legally Described as: A portion of Lots 28 and 29 and the South 10 feet of Lot 27 of Curl and Smouses Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
 (Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)
 Portion of Purchase Price for this Parcel: \$7,500.00

2. That the City Council further proposes to sell the City-owned excess property, as described below, to Hatch Development Group LLC for the consideration as set forth below, all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offer on file with the City Clerk:

No Address Assigned, Polk County Assessor District/Parcel No. 030/03265-001-000
 Legally Described as: Disposal Parcel 7, as Recorded in Book 12736, Page 582 in the office of the Polk County, Iowa Recorder.
 Portion of Purchase Price for this Parcel: \$16,500.00

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on January 10, 2011, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: \$35,000 Property Maintenance Endowment Fund, SP767, ENG980500, and \$16,500 2010/11 CIP, Street Improvements, Fed Title-23 Land Sales, STR500, Page Street Improvements - 24.

Moved by Hensley to adopt; refer to the City Manager to report on the process used to notify adjoining property owners.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

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

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.

J. M. Franklin
 Mayor

Diane Rauh
 City Clerk