



Roll Call Number

11-0987

Agenda Item Number

24

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Date June 13, 2011

SET HEARING FOR VACATION AND CONVEYANCE OF THE REMAINING PUBLIC ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUND BY VINE, WATER, MARKET AND SOUTHWEST 2ND STREETS TO WATERFRONT LODGING, INC. FOR \$39,856

WHEREAS, on July 27, 2009, by Roll Call No. 09-1315, the City Council received a recommendation from the City Plan and Zoning Commission that the remaining intervening public alley right-of-way located in the block bound by Vine, Water, Market and Southwest 2nd Streets, hereinafter more fully described, be vacated and sold subject to the site being developed in conformance with the City’s Design Guidelines for the Court Avenue Historic Area as approved by the Urban Design Review Board and with a “D-R” District site plan as approved by the Plan and Zoning Commission; and

WHEREAS, Waterfront Lodging, Inc. is the purchaser of the property locally known as 101 Southwest 2nd Street that abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$39,856 for the vacation and purchase of such right-of-way described below for the purpose of allowing the alley to be incorporated with surrounding properties for development, which price reflects the restricted use fair market value of the property as currently estimated by the City’s Real Estate Division; and

WHEREAS, Waterfront Lodging, Inc., 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”) which includes, among other terms, provisions that (1) the sale of this right-of-way is subject to a no-build restriction, (2) closing on the sale is subject to Waterfront Lodging, Inc. closing on the purchase of the adjoining property and (3) closing is subject to approval of the development plan for the property by the City Council; and

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

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 remaining intervening public alley right-of-way located in the block bound by Vine, Water, Market and Southwest 2nd Streets, more specifically described as follows:

THE SOUTH 16.0 FEET OF THE NORTH 20.0 FEET OF LOT 3; ALSO AN IRREGULAR SHAPED PIECE IN THE NORTHEAST CORNER OF SAID LOT 3, LYING WITHIN THE FOLLOWING DESCRIBED LINES: BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 3, WHICH IS 16.1 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 3 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 4.0 FEET; THENCE WEST ON A LINE 4.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 20.0 FEET; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING, ALL IN BLOCK 36,



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FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

ALL OF THE NORTH / SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOTS 1 AND 2, AND THE PREVIOUSLY VACATED EAST / WEST ALLEY RIGHT-OF-WAY (VACATED BY ORDINANCE NO. 6333, PASSED JANUARY 16, 1961) AND THE NORTH 20 FEET OF LOT 3, ALL IN BLOCK 36, FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

- 2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such vacated right-of-way to Waterfront Lodging, Inc., subject to the conditions set forth above and in the Offer, for the consideration of \$39,856.
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 June 27, 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: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Moore to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

MOTION CARRIED APPROVED

T. M. Franklin Council 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