

Date July 11, 2011

SET HEARING FOR THE VACATION AND CONVEYANCE OF THE NORTH-SOUTH ALLEY BETWEEN 6TH AVENUE AND 7TH STREET AND BETWEEN HIGH STREET AND WATSON POWELL JR. WAY TO THE ROMAN CATHOLIC DIOCESE OF DES MOINES, \$1000, AND TO PRINCIPAL LIFE INSURANCE COMPANY, \$1000

WHEREAS, on July 11, 2011, by Roll Call No. 11-1195, the City Council received a recommendation from the City Plan and Zoning Commission that the north/south alley between 6th Avenue and 7th Street running from Watson Powell Jr. Way to High Street be vacated, and a portion thereof be conveyed to the Roman Catholic Diocese of Des Moines, and the remainder thereof be conveyed to Principal Life Insurance Company ("Principal"), subject to reservation of easement for utilities and public access; and

WHEREAS, the Roman Catholic Diocese of Des Moines is the owner of the property locally known as 623 High Street that abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$1,000 for the vacation and purchase of a portion of such right-of-way as described below for the purpose of future expansion, which price reflects the restricted use fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, Principal is the owner of the property locally known as 575 7th Street that also abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$1,000 for the vacation and purchase of the remaining portion of such right-of-way as described below for the purpose of incorporation into its existing site, which price reflects the restricted use fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, Roman Catholic Diocese of Des Moines and Principal, with the City Real Estate Division, have negotiated their respective Offers to Purchase Real Estate from the City of Des Moines and Acceptance ("Offers") on file in the office of the City Clerk, which Offers include, among other terms, provisions that (1) the use of the right-of-way is subject to easement for existing public utilities; (2) the conveyance is subject to a public access easement across the vacated property for vehicular and pedestrian travel, with buyer responsibility for snow, ice and obstruction removal to allow for such access; (3) the property is subject to a no-build, no-parking and no-obstruction restriction; and (4) the public access easement and no-build restrictions can be removed, upon resolution of the City Council, following appraisal of the property and payment by the buyer of the unrestricted fair market value thereof; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and 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 north/south alley between 6th Avenue and 7th Street running from Watson Powell Jr. Way to High Street, more specifically described as follows:

ALL THAT PART OF THE 16.5 FOOT NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE EAST LOT LINE OF LOT 4 AND 5 OF CHESTNUT ROW, AN OFFICIAL PLAT, AND ALL THAT PART OF THE NORTH-SOUTH ALLEY IN BLOCK H OF GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, ALL 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 further proposes to sell a portion of such vacated right-of-way to the Roman Catholic Diocese of Des Moines for \$1,000.00, and the

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remaining portion thereof to Principal for \$1,000.00, all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the respective Offers on file with the City Clerk:

TO: Roman Catholic Diocese of Des Moines, \$1,000.00

ALL THAT PART OF THE 16.5 FOOT NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 5 OF CHESTNUT ROW, AN OFFICIAL PLAT, LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE VACATED 15 FOOT EAST-WEST ALLEY LYING SOUTH OF LOT 3 OF SAID CHESTNUT ROW, AND ALL THAT PART OF THE NORTH-SOUTH ALLEY IN BLOCK H OF GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

TO: Principal Life Insurance Company, \$1,000.00

ALL THAT PART OF THE 16.5 FOOT NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE EAST LINE OF LOTS 4 AND 5 OF CHESTNUT ROW, AN OFFICIAL PLAT, LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE VACATED 15 FOOT EAST-WEST ALLEY LYING SOUTH OF LOT 3 OF SAID CHESTNUT ROW, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 July 25, 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: \$2,000 Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Meyer to adopt.

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.

T. M. Franklin Mayor

Diane Rauh City Clerk