

★ Roll Call Number

11-2082

Agenda Item Number

42

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Date December 5, 2011

FURTHER CONTINUANCE OF HEARING FOR VACATION AND CONVEYANCE OF A SMALL SEGMENT OF THE REMAINING PUBLIC ALLEY RIGHT-OF-WAY LOCATED IN THE BLOCK BOUND BY VINE, SOUTHWEST WATER, MARKET AND SOUTHWEST 2ND STREETS TO WATERFRONT LODGING, INC.

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, Southwest 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, on June 27, 2011, by Roll Call No. 11-1144, the City Council passed Ordinance No. 15,027, vacating the alley right-of-way described above, and on June 27, 2011, by Roll Call No. 11-1142, approved the sale and conveyance of such vacated alley right-of-way to Waterfront Lodging, Inc. for \$39,856, subject to a no-build restriction and other conditions; and

WHEREAS, thereafter it was determined that the prior Council actions and Waterfront Lodging's Offer to Purchase inadvertently excluded a small segment of public alley right-of-way, more specifically described below, which segment is needed for completion of their project, was considered by Plan and Zoning Commission for vacation and conveyance, was intended to be purchased by Waterfront Lodging, Inc., and was included in the purchase price of \$39,856, and the buyer has signed a First Amendment to the Offer to Purchase to formally include this segment in the legal description of the property to be acquired thereunder; and

WHEREAS, on November 7, 2011, by Roll Call No. 11-1921, it was duly resolved by the City Council that the proposed vacation and conveyance of such additional right-of-way be set down for hearing on November 21, 2011, at 5:00 p.m., in the Council Chamber; 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, on November 21, 2011, by Roll Call No. 11-1993, the hearing on said proposal was continued to December 5, 2011; and

WHEREAS, a further continuance of the public hearing until the Council meeting on January 23, 2012 has been requested.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation and conveyance of a small segment of the remaining public alley right-of-way located in the block bound by Vine, Southwest Water, Market and Southwest 2nd Streets to Waterfront Lodging, Inc. as described herein, be and is hereby continued to January 23, 2012, at 5:00 p.m. in the City Council Chambers.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

PSW

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