

★ **Roll Call Number**

12-0447

Agenda Item Number

13

Date March 26, 2012

RESOLUTION REDEDICATING CITY-OWNED RIGHT-OF-WAYS LOCATED NORTH OF I-235 ALONG MARTIN LUTHER KING, JR. PARKWAY

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. 10-2071, 10-2072, 10-2073, 10-2074, 10-2075, and 10-2076, 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, on December 20, 2010, by Roll Call No. 10-2077, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way and conveyance of said excess property be set down for hearing on January 10, 2011, at 5:00 p.m., in the Council Chamber; and

WHEREAS, on January 10, 2011, by Roll Call No. 11-0061, the public hearing was opened and it was duly resolved by the City Council to vacate all properties proposed to be vacated (Properties I-V), approve conveyance to Hatch Development Group LLC of four of the six properties proposed to be sold (Properties I, II, IV and V), and continue the hearing on the conveyance of properties III and VI to the January 24th Council meeting at 5:00 PM; and

WHEREAS, on January 24, 2012, by Roll Call No. 12-0137, it was duly resolved by the City Council to approve conveyance to Hatch Development Group LLC of properties III and VI; and

WHEREAS, all of the above-referenced properties were vacated on January 24, 2012, by Ordinance No. 14,986, and thereafter conveyed to Hatch Development Group LLC subject to retention of portions thereof by the City of right-of-way for roadway and pedestrianway purposes where necessary; and

WHEREAS, said retained portions of the above-referenced vacated properties should now be rededicated as public right-of-way for roadway and pedestrianway purposes.

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

1. The following real property is hereby rededicated as public right-of-way:

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(Property II) All that part of Lots 32 and 33 in T.K. Clarke's Addition to Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, more particularly described as follows:

Beginning at the Northeast corner of said Lot 32; thence South $00^{\circ}07'33''$ East, along the East line of said Lots 32 and 33, a distance of 82.29 feet, to the Southeast corner of said Lot 33; thence North $89^{\circ}57'04''$ West, along the South line of said Lot 33, a distance of 40.16 feet to a point of cusp on a curve concave to the west having a radius of 82.25 feet and a central angle of $10^{\circ}52'45''$ and being subtended by a chord which bears North $20^{\circ}02'29''$ East 15.59 feet; thence northeasterly and northerly along said curve, a distance of 15.62 feet to a point of cusp on a curve, from which the radius point bears North $73^{\circ}37'50''$ West; thence northerly a distance of 69.87 feet along the arc of said curve concave to the west having a radius of 1058.28 feet and a central angle of $3^{\circ}46'59''$; thence South $89^{\circ}51'44''$ East, along the North line of said Lot 32, a distance of 17.16 feet to the Point of Beginning. Containing 0.05 ACRES (2276 sq ft), more or less.

(Property III) All that part of Lots 37 and 38 in Tidrick's Addition to Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the Northeast corner of said Lot 38; thence South $00^{\circ}08'49''$ East, along the East line of said Lot 38, a distance of 30.94 feet; thence South $89^{\circ}58'17''$ West, a distance of 87.31 feet to the beginning of a curve concave to the east having a radius of 267.77 feet and a central angle of $3^{\circ}38'36''$ and being subtended by a chord which bears South $15^{\circ}31'50''$ West 17.02 feet; thence southerly along said curve, a distance of 17.03 feet to a point of cusp on a curve, from which the radius point bears North $79^{\circ}10'54''$ West; thence southerly and southwesterly a distance of 36.94 feet along the arc of said curve concave to the northwest having a radius of 50.18 feet and a central angle of $42^{\circ}11'11''$ to a point of cusp on a curve, from which the radius point bears South $34^{\circ}57'30''$ East; thence southwesterly a distance of 13.72 feet along the arc of said curve concave to the southeast having a radius of 71.44 feet and a central angle of $11^{\circ}00'20''$ to a point of cusp on a curve, from which the radius point bears South $53^{\circ}24'57''$ East; thence southwesterly a distance of 3.16 feet along the arc of said curve concave to the southeast having a radius of 14.76 feet and a central angle of $12^{\circ}16'10''$; thence South $89^{\circ}41'41''$ West, along the South line of said Lot 37, a distance of 1.68 feet, to the Southwest corner of said Lot 37; thence North $00^{\circ}07'33''$ West, along the West line of said Lots 37 and 38, a distance of 89.00 feet, to the Northwest corner of said Lot 38; thence North $89^{\circ}41'40''$ East, along the North line of said Lot 38, a distance of 124.78 feet to the Point of Beginning. Containing 0.12 ACRES [5724 sq ft], more or less.

(Property IV) All that part of Lots 30 in Block 2 of Glendale, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the Northeast Corner of said Lot 30; thence South $00^{\circ}00'03''$ East, along the East line of said Lot 30, a distance of 6.17 feet to the Point of Beginning; thence continuing South $00^{\circ}00'03''$ East, a distance of 18.83 feet to the Southeast corner of said Lot 30; thence South $89^{\circ}43'33''$ West, along the South line of said Lot 30, a distance of 124.36 feet to the Southwest

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corner of said Lot 30; thence North 00°39'35" West, along the West line of said Lot 30, a distance of 22.76 feet; thence South 23°40'46" East, a distance of 7.79 feet; thence North 88°12'35" East, a distance of 121.55 feet to the Point of Beginning. Containing 0.05 ACRES (2149 sq ft), more or less.

2. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Real Estate Division.
3. The Real Estate Division is authorized and directed to forward the resolution and dedication plats to the Polk County Recorder for purpose of causing said documents to be recorded.

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			

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

T. M. Franklin Mayor