

★ Roll Call Number  
12-0692

Agenda Item Number  
21A

Date May 7, 2012

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF 15<sup>TH</sup> STREET AND OF A SUBSURFACE EASEMENT ALONG WALNUT STREET ADJOINING 1440 WALNUT STREET FOR THE CRANE BUILDING REDEVELOPMENT PROJECT FOR \$12,600**

**WHEREAS**, on May 7, 2012, by Roll Call No. 12-0691, the City Council received the recommendation from the Plan and Zoning Commission to vacate a portion of 15<sup>th</sup> Street and a subsurface portion of City right-of-way along Walnut Street adjoining the property locally known as 1440 Walnut Street (Crane Building), subject to reservation of easement for utilities currently in place; and

**WHEREAS**, MDI Limited Partnership #86 is the owner of the real property locally known as 1440 Walnut Street that abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$12,600.00 for the vacation and purchase of a portion of 15<sup>th</sup> Street and of a permanent easement within the subsurface portion of City right-of-way along Walnut Street, both as legally described below, for the purpose of the Crane Building Redevelopment Project, which purchase price reflects the restricted use fair market value of the property interests as currently estimated by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the 15<sup>th</sup> Street right-of-way proposed to be vacated and sold, or for the subsurface portion of the right-of-way proposed to be vacated and sold by easement, and the City will not be inconvenienced by the vacation and sale of said property interests.

**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 a portion of 15<sup>th</sup> Street and a subsurface portion of City right-of-way along Walnut Street adjoining the property locally known as 1440 Walnut Street, more specifically described as follows:

15<sup>TH</sup> STREET RIGHT-OF-WAY

AN IRREGULAR SHAPED PORTION OF THE 15<sup>th</sup> STREET PUBLIC RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 5 AND 6 IN BLOCK 39, LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6 IN BLOCK 39 OF SAID LYON'S ADDITION TO FORT DES MOINES; THENCE NORTH 15° (DEEGRES) 52' (MINUTES) 19" (SECONDS) WEST (BEARING ASSMED FOR THE PURPOSE OF THIS SURVEY) ALONG THE WESTERLY LINE OF SAID LOTS 6 AND 5, A DISTANCE OF 132.66 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 74°02'17" WEST ALONG THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 5, A DISTANCE OF 6.77 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 15<sup>th</sup> STREET AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 14°31'22" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 59.54 FEET; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG A 50.00 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 17.45 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 04°31'42" EAST AND A CHORD LENGTH OF 17.36 FEET; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG A 266.77 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 63.70 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 12°18'25" WEST AND A CHORD LENGTH OF 63.55 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 6; THENCE NORTH 74°16'01" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 6, A DISTANCE OF 41.60 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER



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BEARING OF SOUTH 12°18'25" WEST AND A CHORD LENGTH OF 63.55 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 6; THENCE NORTH 74°16'01" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 6, A DISTANCE OF 41.60 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD. SAID TRACT OF LAND CONTAINS 2,015 SQUARE FEET OR 0.05 ACRES.

AND

PERMANENT SUBSURFACE EASEMENT

A RECTANGULAR SHAPED PORTION OF THE WALNUT STREET PUBLIC RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOT 5 IN BLOCK 39, LYON'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5 IN BLOCK 39 OF SAID LYON'S ADDITION TO FORT DES MOINES; THENCE SOUTH 74°09'30" WEST ALONG THE NORTHERLY LINE OF SAID LOT 5, A DISTANCE OF 129.00 FEET; THENCE NORTH 15°50'30" WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 74°09'30" EAST ALONG A LINE PARALLEL WITH AND 12.00 FEET NORTHERLY OF THE NORTHERLY LINE OF SAID LOT 5, A DISTANCE OF 129.00 FEET; THENCE SOUTH 15°50'30" EAST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD. SAID TRACT OF LAND CONTAINS 1,548 SQUARE FEET OR 0.04 ACRES.

2. That if the City Council decides to vacate the above described 15<sup>th</sup> Street right-of-way and subsurface portion of City right-of-way, the City of Des Moines further proposes to sell such vacated 15<sup>th</sup> Street right-of-way and to convey a permanent subsurface easement in such vacated City right-of-way along Walnut Street, adjoining the property locally known as 1440 Walnut Street, to MDI Limited Partnership #86 for \$12,600.00, all in accordance with the requirements of the Plan and Zoning Commission recommendations.
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 May 21, 2012, 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: \$300 Property Maintenance Endowment Fund, SP767, ENG980500.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

*pen*

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