

Date May 21, 2012

**CONTINUANCE OF 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 March 26, 2012, by Roll Call No. 12-0452, the City Council received the recommendation from the Plan and Zoning Commission to vacate an irregular segment of 15th Street right-of-way adjoining the property locally known as 1440 Walnut Street (Crane Building), subject to reservation of an easement for utilities currently in place until such time as they are abandoned or relocated; and

**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 subsurface portion of 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; and

**WHEREAS**, on May 7, 2012, by Roll Call No. 12-0692, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on May 21, 2012, 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**, in order to complete negotiations relating to the subsurface agreement with MDI Limited Partnership #86, a continuance of the public hearing on said proposal until the Council meeting on June 11, 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 portion of 15<sup>th</sup> Street and of a permanent easement within the subsurface portion of City right-of-way along Walnut Street be and is hereby continued to June 11, 2012, at 5:00 p.m. in the City Council Chambers.



Roll Call Number

12-0827

Agenda Item Number

55

Date May 21, 2012

Moved by Wesley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

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

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