

★ Roll Call Number
12-1044

Agenda Item Number
58C

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Date June 25, 2012

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF LETTER
REGARDING GRANT APPLICATION FOR DEVELOPMENT OF THE
NORTH/SOUTH ALLEY ADJOINING 815 HIGH STREET**

WHEREAS, on June 11, 2012, by Roll Call No. 12-0881, the City Council received the recommendation from the Plan and Zoning Commission to vacate the north/south alley adjoining 815 High Street between 8th Street and 9th Street from High Street to Pleasant Street (“Property”), subject to provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by City Council, and further subject to reservation of an easement for utilities currently in place until such time as they are abandoned or relocated at the applicant’s expense; and

WHEREAS, on June 11, 2012, by Roll Call No. 12-0882, it was duly resolved by the City Council that the vacation and conveyance of such Property be set down for hearing on the proposal from The Cathedral Church of St. Paul of the City of Des Moines, Iowa (“The Cathedral Church”), the owner of the real property locally known as 815 High Street that abuts such Property, to purchase the Property for the purchase price of \$1,000.00 for the purpose of developing a pedestrian plaza on the east side of the existing cathedral; and

WHEREAS, on June 25, 2012, by Roll Call No. _____, following public hearing, the City Council approved the vacation and conveyance of the Property to The Cathedral Church, subject to Plan and Zoning Commission recommendations, use restrictions and closing conditions; and

WHEREAS, The Cathedral Church is applying for an “Open Spaces Sacred Places” grant from the TKF Foundation for construction of the proposed pedestrian plaza, greenspace and public pedestrianway within the Property, and closing upon the purchase of the Property as approved by Council is subject to the buyer receiving such private grant funding, and in the event that said grant is not obtained by the Cathedral Church, the Property will be retained and rededicated as public right-of-way by the City; and

WHEREAS, as a condition of the grant application, The Cathedral Church is required to submit a letter signed by the City, as current owner of the Property pursuant to the Offer to Purchase with said buyer, to the TKF Foundation certifying that (1) the City is the sole owner of full legal title to the Property, (2) that City staff have reviewed the OSSG Grant Application and the City is in full support of the proposed conceptual plan and proposed use of the Property as included in said application, (3) that following closing on purchase of the Property from the City, The Cathedral Church will have full authority to construct and maintain the proposed improvements upon the Property for use by the general public, (4) that the Property is not subject to any liens or encumbrances that have not been disclosed, and (5) that the proposed improvements may be maintained upon the Property and made available to the general public through at least December 31, 2020; and

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WHEREAS, The Cathedral Church has submitted the attached letter and the grant application as on file in the office of the City Clerk, and has requested that the City approve and execute the letter regarding the grant application by The Cathedral Church to the TKF Foundation; and

WHEREAS, the grant application states that "the City of Des Moines and Mayor Frank Cownie have committed to selling the alley to the Cathedral and want to use the alley project as a demonstration project for Des Moines and other Midwestern cities", and that "the City has facilitated the sale in hopes that the alley project can serve as a model green alley for the City of Des Moines and other Midwestern cities."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached letter regarding the grant application by The Cathedral Church of St. Paul of the City of Des Moines, Iowa, for development of the north/south alley adjoining 815 High Street as a pedestrian plaza, greenspace and pedestrianway following The Cathedral's closing on purchase of said property, is hereby approved, and the Mayor is directed to execute said letter for submission by The Cathedral to the TKF Foundation.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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 Council Mayor