

★ Roll Call Number

13-0393

Agenda Item Number

15

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Date March 11, 2013

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE  
NORTH/SOUTH AND EAST/WEST ALLEY RIGHT-OF-WAY SOUTH OF  
UNIVERSITY AVENUE BETWEEN 6<sup>TH</sup> AVENUE AND 7<sup>TH</sup> STREET  
TO QUIKTRIP CORPORATION FOR \$700**

**WHEREAS**, QuikTrip Corporation (“QuikTrip”) is the purchaser of the real properties locally known as 614 University Avenue, 630 University Avenue, 1190 6<sup>th</sup> Avenue and 1188 6<sup>th</sup> Avenue (“QuikTrip parcels”), which parcels are being purchased by Quik Trip for redevelopment purposes; and

**WHEREAS**, on March 11, 2013, by Roll Call No. 13-0394, the City Council received a recommendation from the City Plan and Zoning Commission that the north/south and east/west alley right-of-way south of University Avenue between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street (“City parcel”), hereinafter more fully described, be vacated as requested by QuikTrip for redevelopment, subject to conditions set forth in the recommendation; and

**WHEREAS**, the City of Des Moines needs to acquire additional property for right-of-way purposes upon a portion of the QuikTrip parcels; and

**WHEREAS**, City staff and QuikTrip are negotiating a land exchange by which QuikTrip will pay to the City of Des Moines the purchase price of \$700 and will convey to the City a portion of the QuikTrip parcels as needed for right-of-way purposes, in exchange and as consideration for the City’s vacation and conveyance to QuikTrip of the City parcel, subject to Plan and Zoning Commission recommendations and with closing further subject to the condition that QuikTrip close on the purchase of, and demonstrate ownership of, the QuikTrip parcels; and

**WHEREAS**, the properties to be exchanged have been determined by the City’s Real Estate Division to be comparable in value, condition, and use, given the additional consideration to be paid by QuikTrip in the form of the \$700 purchase price; and

**WHEREAS**, there is no know current or future public need or benefit for the City alley right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

**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 the north/south and east/west alley right-of-way south of University Avenue between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street, more specifically described as follows:

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THE 15.00 FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN LOTS 1 AND 2 AND 45 AND 46 OF GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 4.50 FEET THEREOF.

AND

THE 10.00 FOOT EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12, 13 AND 14 OF SAUCERMAN'S SUBDIVISION OF THE NORTH 2 ACRES OF LOT 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., AND OF LOT 7 ULRICH'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST 15.85 FEET THEREOF. (CONTAINING 2924 SQUARE FEET, MORE OR LESS)

2. That if the City Council first decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such vacated right-of-way, legally described as follows, to QuikTrip Corporation, subject to the conditions set forth above and the Plan and Zoning Commission recommendations, in exchange and as consideration for conveyance by QuikTrip Corporation to the City of a portion of the QuikTrip parcels and for the additional consideration of \$700:

THE VACATED 15.00 FOOT NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING BETWEEN LOTS 1 AND 2 AND 45 AND 46 OF GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 4.50 FEET THEREOF.

AND

THE VACATED 10.00 FOOT EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12, 13 AND 14 OF SAUCERMAN'S SUBDIVISION OF THE NORTH 2 ACRES OF LOT 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., AND OF LOT 7 ULRICH'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST 15.85 FEET THEREOF. (CONTAINING 2924 SQUARE FEET, MORE OR LESS)

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 March 25, 2013, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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5. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Hensley 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			

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