

★ Roll Call Number

13-0395

Agenda Item Number

16

34-2013-000#370

Date March 11, 2013

SET HEARING FOR VACATION OF A PORTION OF THE EAST/WEST SEGMENT OF ALLEY BETWEEN REIGART STREET AND EAST HOLCOMB AVENUE, WEST OF OXFORD STREET, AND ON LAND EXCHANGE AGREEMENT BETWEEN EIW, LLC AND THE CITY OF DES MOINES FOR COMPARABLE PARCELS IN THE VICINITY OF 129 EAST HOLCOMB AVENUE

WHEREAS, on January 14, by Roll Call No. 13-0025, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street, hereinafter more fully described, be vacated subject to provision of easements for any existing utilities; and

WHEREAS, EIW (Eagle Iron Works), LLC is the owner of real property locally known as 136 Reigart Street (herein "EIW, LLC parcel"), which property would be beneficial to the City for assemblage; and

WHEREAS, the City of Des Moines also owns excess real property and alley right-of-way in the vicinity of the EIW, LLC parcel along the south side of Reigart Street, which property adjoins EIW, LLC's business located at 129 E. Holcomb Avenue; and

WHEREAS, City staff and EIW, LLC are negotiating a land exchange agreement by which EIW, LLC will convey the EIW, LLC parcel to the City for assemblage, in exchange and as consideration for the City's conveyance to EIW, LLC of the real property locally known as 146 East Holcomb Avenue, a portion of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street, and Polk County District/Parcel Nos. 070/04438-001-000 and 070/05165-001-000, subject to reservation by the City upon the alley of a permanent easement for existing utilities, with all properties being exchanged "as-is" and closing subject to environmental review if desired by either party; 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; and

WHEREAS, there is no known current or anticipated public benefit or need for the portion of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street that is proposed to be vacated, or for the property including the alley right-of-way proposed to be conveyed to EIW, LLC, and the City will not be inconvenienced by the vacation of portions of the alley and sale of said property including the alley right-of-way, and will benefit from acquisition and acceptance of the EIW, LLC parcel.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street, subject to reservation of easement for existing utilities, more specifically described as follows:

ALL OF THE EAST/WEST ALLEY LYING NORTH OF AND ADJOINING LOTS 14 THRU 36 AND THE EAST 20 FEET OF LOT 13 IN BLOCK 2, OLD ORCHARD BEACH, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

2. That if the City Council decides to vacate the above described alley right-of-way, the City proposes to convey such right-of-way, and other excess real property locally known as 146 East Holcomb Avenue and Polk County

★ **Roll Call Number**
130395

Agenda Item Number
16
 34-2013-000#370

Date March 11, 2013

District/Parcel Nos. 070/04438-001-000 and 070/05165-001-000, all as legally described below, to EIW, LLC, in exchange and as consideration for conveyance to the City of the real property locally known as 136 Reigart Street as owned by EIW, LLC:

ALL OF LOTS 33, 34, 35 AND 36, BLOCK 2, OLD ORCHARD BEACH, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL OF THE VACATED EAST/WEST ALLEY LYING NORTH OF AND ADJOINING LOTS 14 THRU 36 AND THE EAST 20 FEET OF LOT 13 IN BLOCK 2, OLD ORCHARD BEACH, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL OF LOTS 64 AND 65 AND THE WEST 32 FEET OF LOT 63 OF TWINING'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That a public hearing will be held on March 25, 2013, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.
5. There will be no proceeds associated with the proposed land exchange.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

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 Course Mayor

Diane Rauh City Clerk