

★ **Roll Call Number**
..... 13-0774

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Date May 20, 2013

**RESOLUTION REDEDICATING A PORTION OF THE EAST/WEST ALLEY
EXTENDING EAST FROM EAST 4TH STREET BETWEEN EAST GRAND AVENUE
AND EAST LOCUST STREET FOR RIGHT-OF-WAY PURPOSES**

WHEREAS, on June 23, 2003, by Roll Call No. 03-1516, the City Council held a public hearing at which it approved the vacation and conveyance of a portion of the east/west alley right-of-way extending east from East 4th Street between East Grand Avenue and East Locust Street ("City Right-of-Way") to SOHO Development, L.L.C. for \$31,200 for the purpose of incorporation into and redevelopment of the Betts Hardware Store site at 412 E. Locust Street, which site was also being purchased by SOHO Development L.L.C.; and

WHEREAS, on June 23, 2003, by Roll Call No. 03-1519, the City Council passed Ordinance No. 14,249, vacating the City Right-of-Way; and

WHEREAS, pursuant to the approved sale and the Offer to Purchase related thereto, closing on the sale of the City Right-of-Way to SOHO Development L.L.C. was to occur no later than December 30, 2003; and

WHEREAS, the SOHO Lofts project was completed without using the City Right-of-Way and thus SOHO Development, L.L.C. did not close on the acquisition of the City Right-of-Way, and said Right-of-Way continues to be owned by the City and used by the public and adjoining properties for vehicular and pedestrian access; and

WHEREAS, the City Right-of-Way requires rededication as public right-of-way for continued use as a public alley.

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

1. The east/west alley right-of-way extending east from East 4th Street between East Grand Avenue and East Locust Street, legally described as follows, is hereby rededicated as public right-of-way:

ALL THE EAST/WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING THE EAST 2/3 OF LOT 9, AND LYING NORTH OF AND ADJOINING LOTS 10 AND 11, AND LYING NORTH OF AND ADJOINING THE WEST 1/3 OF LOT 12, IN BLOCK 9, EAST FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Real Estate Division.

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3. The Real Estate Division is authorized and directed to forward the certified copy of this resolution to the Polk County Recorder for the purpose of causing said document to be recorded.

(Council Communication 13- 247)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

* Council Member Mahaffey declares a conflict of interest and abstains from voting.

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
* MAHAFFEY				
MEYER	✓			
MOORE	✓			
TOTAL	6			

MOTION CARRIED
T. M. Franklin 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