

★ Roll Call Number

130894

Agenda Item Number

18

Date June 10, 2013

Page 1

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE  
NORTH/SOUTH AND EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING  
501 GRAND AVENUE TO POLK COUNTY FOR \$1**

**WHEREAS**, Polk County, Iowa ("Polk County") is the owner of the real property locally known as 501 Grand Avenue, formerly used as the Polk County Convention Center; and

**WHEREAS**, Polk County has requested the vacation of the north/south and east/west alley right-of-way adjoining 501 Grand Avenue, and requested that the City convey said right-of-way in fee simple to Polk County in accordance with Iowa Code Section 364.7(3) for the public purposes of property assemblage for public health and welfare, redevelopment, and use as consideration for property acquisition for County Courthouse operations; and

**WHEREAS**, the City alley right-of-way proposed to be vacated and conveyed has been determined by the City Engineer and City Traffic Engineer to have no significant impact on public access, and the City will not be inconvenienced by the vacation and sale of said alley right-of-way.

**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 adjoining 501 Grand Avenue, more specifically described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING SOUTH OF EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3 IN C.H. ATKIN'S SUBDIVISION OF LOT 13 IN THE OFFICIAL PLAT OF BLOCK I, GRIMMEL'S ADDITION, AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 9 FEET OF LOT 1, ALHAMBRA NO.2, AN OFFICIAL PLAT;

AND

A TRIANGULAR PIECE OF LAND LOCATED AT THE SOUTHEAST CORNER OF LOT 2, ALHAMBRA NO.2, HAVING A BEGINNING POINT ON THE SOUTH LINE OF SAID LOT 2 AND 5 FEET WEST OF THE SOUTHEAST CORNER, THENCE EAST 5 FEET TO THE SOUTHEAST CORNER, THENCE NORTH 8 FEET ON THE EAST LINE OF SAID LOT 2, THENCE SOUTHWEST IN A STRAIGHT LINE TO THE POINT OF BEGINNING OF SAID TRIANGULAR PIECE OF LAND;

AND

ALL THAT PART OF THE EAST/WEST ALLEY LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 2, ALHAMBRA NO.2, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 2;

★ **Roll Call Number**  
..... 13-0894 .....

**Agenda Item Number**  
..... 18 .....

**Date** ..... June 10, 2013 .....

AND

A PORTION OF LOT 1, ALHAMBRA NO.2, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTHERLY A DISTANCE OF 9 FEET ALONG THE EAST LINE OF SAID LOT 1, THENCE SOUTHWESTERLY A DISTANCE OF 40 FEET ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 1, THENCE WESTERLY TO A POINT ON THE NORTH LINE OF SAID LOT 1, POINT BEING 72 FEET SOUTHWESTERLY FROM THE NORTHEAST CORNER OF SAID LOT 1, THENCE NORTHEASTERLY A DISTANCE OF 72 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That, if the City Council first decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way, legally described as follows, to Polk County, Iowa for a public purpose in accordance with Iowa Code Section 364.7(3) for the public purposes of property assemblage for public health and welfare, redevelopment, and use as consideration for property acquisition for County Courthouse operations:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING SOUTH OF EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3 IN C.H. ATKIN'S SUBDIVISION OF LOT 13 IN THE OFFICIAL PLAT OF BLOCK I, GRIMMEL'S ADDITION, AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 9 FEET OF LOT 1, ALHAMBRA NO.2, AN OFFICIAL PLAT;

AND

A VACATED TRIANGULAR PIECE OF LAND LOCATED AT THE SOUTHEAST CORNER OF LOT 2, ALHAMBRA NO.2, HAVING A BEGINNING POINT ON THE SOUTH LINE OF SAID LOT 2 AND 5 FEET WEST OF THE SOUTHEAST CORNER, THENCE EAST 5 FEET TO THE SOUTHEAST CORNER, THENCE NORTH 8 FEET ON THE EAST LINE OF SAID LOT 2, THENCE SOUTHWEST IN A STRAIGHT LINE TO THE POINT OF BEGINNING OF SAID TRIANGULAR PIECE OF LAND;

AND

ALL THAT PART OF THE VACATED EAST/WEST ALLEY LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 2, ALHAMBRA NO.2, AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 2;

AND

A PORTION OF VACATED LOT 1, ALHAMBRA NO.2, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTHERLY A DISTANCE OF 9 FEET ALONG THE EAST LINE OF SAID LOT 1, THENCE SOUTHWESTERLY A DISTANCE OF 40 FEET ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 1, THENCE WESTERLY TO A POINT ON THE

★ Roll Call Number  
130894

Agenda Item Number  
18

Date June 10, 2013

NORTH LINE OF SAID LOT 1, POINT BEING 72 FEET SOUTHWESTERLY FROM THE NORTHEAST CORNER OF SAID LOT 1, THENCE NORTHEASTERLY A DISTANCE OF 72 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such right-of-way is to be considered shall be on June 24, 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.
5. There will be no proceeds associated with the conveyance of this property.

Moved by Coleman to adopt; refer to the City Manager to work with Polk County and the YMCA on a process for the City to receive some value from the transaction, and to consider including a reversion clause in the deed.

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 Mayor

Diane Rauh City Clerk