



**Roll Call Number**

14-1055

**Agenda Item Number**

29B

**Date** July 14, 2014

**SET HEARING FOR VACATION OF PORTIONS OF SW 6<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING 300 SW 6<sup>TH</sup> STREET AND CONVEYANCE OF SUCH RIGHT-OF-WAY AND OTHER ADJOINING CITY-OWNED PROPERTY TO JB DOORS PARTNERSHIP FOR \$71,000**

**WHEREAS**, on July 17, 2014, the City’s Plan and Zoning Commission will consider a request by JB Doors Partnership (owner) that portions of SW 6<sup>th</sup> Street right-of-way adjoining 300 SW 6<sup>th</sup> Street (“City Right-of-Way”), legally described below, be vacated subject to reservation of an easement for any existing utilities and an easement for public access for pedestrian traffic between SW 6<sup>th</sup> Street and West Martin Luther King Jr. Parkway sidewalk, site plan review and approval, fencing requirements for parking lot frontage, and any other conditions deemed appropriate by the Commission; and

**WHEREAS**, JB Doors Partnership is the owner of the property locally known as 300 SW 6<sup>th</sup> Street that abuts such City Right-of-Way and has offered to the City of Des Moines the purchase price of \$71,000.00 for the vacation and purchase of the City Right-of-Way and other adjoining City-owned property, as described below, for construction of a parking lot, which price reflects the restricted-use fair market value of the property as determined by an independent appraisal; and

**WHEREAS**, JB Doors Partnership and the City Real Estate Division are negotiating the terms of the proposed sale, which will include, among other terms, provisions that: (1) the use of the City Right-of-Way and City-owned property is subject to easement for existing public utilities; (2) the property is subject to a no-build restriction prohibiting improvements other than parking lot and associated improvements, which restriction can be removed, upon resolution of the City Council, following appraisal of the property and payment by the buyer of the unrestricted fair market value thereof less the purchase price already paid; and (3) any conditions set forth in the Plan and Zoning Commission recommendation, which may include but are not limited to the conditions first stated above; and

**WHEREAS**, there is no known current or future public need or benefit for the City Right-of-Way and adjoining City-owned property proposed to be sold, and the City will not be inconvenienced by the sale of said property.

**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 portions of SW 6<sup>th</sup> Street right-of-way adjoining 300 SW 6<sup>th</sup> Street, as legally described below:

**AN IRREGULAR SHAPED PART OF SW 6TH STREET, DESCRIBED AS FOLLOWS:**

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA; THENCE NORTH 15° (DEGREES) 19' (MINUTES) 55" (SECONDS) WEST ALONG THE EASTERLY LINE OF BLOCK 7, 47.35 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 79°57'04" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 33.13 FEET TO THE CENTERLINE OF SW 6TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 15°19'55" EAST ALONG SAID CENTERLINE, 71.95 FEET; THENCE SOUTH 74°16'50" WEST, 33.00 FEET; THENCE NORTH 15°19'55" WEST, 27.91 FEET TO THE POINT OF BEGINNING; CONTAINING APPROXIMATELY 2,428 SQUARE FEET .

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2. That if the City Council decides to vacate the above described City right-of-way, the City of Des Moines proposes to convey such vacated right-of-way and other adjoining City-owned property, as legally described below, to JB Doors Partnership for \$71,000.00, subject to the conditions set forth herein and in the recommendation of the Plan and Zoning Commission:

A PART OF LOTS 3, 4, AND 5, BLOCK 7, FORT DES MOINES, AN OFFICIAL PLAT, AND THE INTERVENING VACATED ALLEY HEREIN DESCRIBED, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE NORTH 15° (DEGREES) 19' (MINUTES) 55" (SECONDS) WEST ALONG THE EASTERLY LINE OF BLOCK 7, 19.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°20'52" WEST, 245.56 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SW 7TH ST. AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 15°23'20" WEST ALONG SAID RIGHT OF WAY LINE, 42.08 FEET; THENCE NORTH 41°49'44" EAST ALONG SAID RIGHT OF WAY LINE, 15.66 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 79°59'33" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 233.44 FEET TO THE EASTERLY LINE OF SAID LOT 5; THENCE SOUTH 15°19'55" EAST ALONG THE EASTERLY LINE OF SAID LOT 5, 27.54 FEET TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 9,678 SQUARE FEET.

AND

A PART OF VACATED ELM STREET RIGHT OF WAY ADJOINING BLOCK 7, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 7; THENCE SOUTH 15° (DEGREES) 19' (MINUTES) 55" (SECONDS) EAST ALONG THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID BLOCK 7, 27.91 FEET TO THE SOUTHERLY LINE OF THE STREET RIGHT OF WAY VACATED IN ORDINANCE 13,884, BOOK 8663 PAGE 524; THENCE SOUTH 74°16'50" WEST ALONG SAID LINE, 233.51 FEET; THENCE NORTH 60°33'15" WEST, 16.92 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SW 7TH ST. AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 15°23'20" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, 16.00 FEET TO THE SOUTHERLY LINE SAID BLOCK 7; THENCE NORTH 74°18'06" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 7, 245.54 FEET, TO THE POINT OF BEGINNING; CONTAINING APPROXIMATELY 6,791 SQ. FT.

AND

AN IRREGULAR SHAPED PART OF VACATED SW 6TH STREET, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA; THENCE NORTH 15° (DEGREES) 19' (MINUTES) 55" (SECONDS) WEST ALONG THE EASTERLY LINE OF BLOCK 7, 47.35 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 79°57'04" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 33.13 FEET TO THE CENTERLINE OF SW 6TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 15°19'55" EAST ALONG SAID CENTERLINE, 71.95

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FEET; THENCE SOUTH 74°16'50" WEST, 33.00 FEET; THENCE NORTH 15°19'55" WEST, 27.91 FEET TO THE POINT OF BEGINNING; CONTAINING APPROXIMATELY 2,428 SQUARE FEET .

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such property is to be considered shall be on July 28, 2014, said meeting to be held at 5:00 p.m., in the City Council Chamber, 400 Robert D. Ray Drive, Des Moines, Iowa.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
5. The proceeds associated with the sale of this property will be deposited into the following accounts:
  - (a) 2014-15 CIP, Street Improvements, Fed Title-23 Land Sales, Page Street Improvements – 15, ST500 - \$36,500
  - (b) Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090 - \$34,500

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

*RTW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

T. M. Franklin Cownie 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