



Roll Call Number

14-1703

Agenda Item Number

16

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Date November 3, 2014

**SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING 215 EAST 3RD STREET TO 215 EAST 3RD STREET, LLC, FOR \$12,675**

**WHEREAS**, on November 3, 2014, the City Plan and Zoning Commission submitted to City Council a recommendation that a segment of the east/west alley right-of-way lying south of and adjoining 215 East 3<sup>rd</sup> Street ("City Right-of-Way"), be vacated subject to the reservation of a permanent easement upon the Property for the continued use and maintenance of any existing encroachments and public utilities now in place, and subject to zoning compliance as approved by the City's Permit & Development Center, and to compliance with a City-approved site plan, all of which are subject to City enforcement; and

**WHEREAS**, 215 East 3<sup>rd</sup> Street, LLC, is the purchaser of the real property abutting the City Right-of-Way, locally known as 215 E. 3<sup>rd</sup> Street, and has offered to the City of Des Moines the purchase price of \$12,675 for the vacation and purchase the Right-of-Way for incorporation into the adjoining property, which price reflects the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

**WHEREAS**, 215 East 3<sup>rd</sup> Street, LLC and the City Real Estate Division are negotiating an Offer to Purchase which will include, among other terms, closing subject to the condition that 215 East 3<sup>rd</sup> Street, LLC close on the purchase and demonstrate ownership of the abutting property at 215 E. 3<sup>rd</sup> Street and any other conditions included in the City Plan and Zoning Commission recommendation; and

**WHEREAS**, there is no known current or anticipated public benefit or need for the City Right-of-Way that is proposed to be vacated, and the City will not be inconvenienced by the proposed vacation and sale of the City 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 segment of the east/west alley right-of way lying south of and adjoining 215 East 3<sup>rd</sup> Street, legally described as follows:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 4, BLOCK 2, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2112 SQUARE FEET.



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2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way, as legally described below, to 215 East 3rd Street, LLC for \$12,675:

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 4, BLOCK 2, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2112 SQUARE FEET.

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 November 17, 2014, 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 proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GATTO          | ✓    |      |      |        |
| GRAY           | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| 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 Council Mayor

Diane Rauh City Clerk