



**Roll Call Number**

15-0910

**Agenda Item Number**

21

**Date** June 8, 2015

**SET HEARING FOR THE VACATION AND CONVEYANCE OF A SEGMENT OF  
MARTIN LUTHER KING, JR. PARKWAY (FORMERLY ELM STREET) ADJOINING  
300 WEST MARTIN LUTHER KING, JR. PARKWAY TO  
GREEN LTD., L.C. FOR \$9,090.00**

**WHEREAS**, on May 18, 2015, by Roll Call No. 15-0806, City Council received a recommendation from the City Plan and Zoning Commission that the segment of West Martin Luther King, Jr. Parkway (formerly Elm Street), hereinafter more fully described, be vacated, subject to reservation of easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or relocated; and

**WHEREAS**, Green Ltd., L.C., owner of 300 West Martin Luther King, Jr. Parkway, has offered to the City of Des Moines the purchase price of \$9,090.00 for the vacation and purchase of the West Martin Luther King, Jr. Parkway (formerly Elm Street) right-of-way adjoining 300 West Martin Luther King, Jr. Parkway (herein "City Right-of-Way"), for site edge improvements along West Martin Luther King, Jr. Parkway as part of the redevelopment of their adjoining property, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

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

**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 West Martin Luther King, Jr. Parkway (formerly Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway, legally described as follows:

THE SOUTH 10 FEET OF WEST MARTIN LUTHER KING JR PARKWAY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 1, GREEN COLONIAL PLACE PLAT TWO, AN OFFICIAL PLAT, SAID RIGHT OF WAY ALSO KNOWN AS ELM STREET RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 3637 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines further proposes to sell such vacated right-of-way, as legally described below, to Green Ltd., L.C. for \$9,090.00, subject to the requirements of the Plan and Zoning Commission recommendation:

THE VACATED SOUTH 10 FEET OF WEST MARTIN LUTHER KING JR PARKWAY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 1, GREEN COLONIAL PLACE PLAT

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TWO, AN OFFICIAL PLAT, SAID RIGHT OF WAY ALSO KNOWN AS ELM STREET RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 3637 SQUARE FEET.

3. A public hearing shall be held on June 22, 2015, 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. 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

*AW*

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

MOTION CARRIED APPROVED

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