

★ Roll Call Number

15-1016

Agenda Item Number

16

Date June 22, 2015

**SET HEARING FOR CONVEYANCE OF PREVIOUSLY VACATED CARPENTER AVENUE AND VACATION AND CONVEYANCE OF SEGMENTS OF 27<sup>TH</sup> STREET, CARPENTER AVENUE AND THE NORTH/SOUTH ALLEY RIGHT-OF-WAY ADJOINING 1300 25<sup>TH</sup> STREET TO DRAKE UNIVERSITY FOR \$116,500**

**WHEREAS**, on May 17, 1993, by Roll Call 93-1842, City Council passed Ordinance No. 11,984 vacating a portion of Carpenter Avenue in the vicinity of 26<sup>th</sup> Street; and

**WHEREAS**, on March 23, 2015, by Roll Call No. 15-0493, City Council received a recommendation from the City Plan and Zoning Commission regarding a request from Drake University for vacation of 27<sup>th</sup> Street from Forest Avenue to Carpenter Avenue, and of the 16 foot wide north/south alley from Forest Avenue to a point approximately 320.5 feet to the south, subject to the following conditions:

- 1) Reservation of necessary easements for all existing utilities in place until such time as they are abandoned or are relocated.
- 2) Installation of required paved fire apparatus turn around on the remaining dead-end public segment of Carpenter Avenue.
- 3) Review and approval of a Site Plan by the City's Permit and Development Center for all related site and landscaping improvements; and

**WHEREAS**, on May 18, 2015, by Roll Call No. 15-0807, City Council received a recommendation from the City Plan and Zoning Commission regarding a request from Drake University for vacation of Carpenter Avenue from 25<sup>th</sup> Street to 27<sup>th</sup> Street, subject to the following conditions:

- 1) Reservation of necessary easements for all existing utilities in place until such time as they are abandoned or are relocated.
- 2) Reservation of a 20-foot wide easement for fire department access.
- 3) Review and approval of a Site Plan by the City's Permit and Development Center for all related site and landscaping improvements; and

**WHEREAS**, Drake University, owner of all of the adjoining property, has offered to the City of Des Moines the purchase price of \$116,500.00 for the vacation and purchase of 27<sup>th</sup> Street from Forest Avenue to Carpenter Avenue, the 16 foot wide north/south alley from Forest Avenue to a point approximately 320.5 feet to the south, and Carpenter Avenue from 25<sup>th</sup> Street to 27<sup>th</sup> Street (collectively "City Right-of-Way"), subject to a no-build restriction and conditions included in the City Plan and Zoning Commission recommendation, and subject to the special conditions contained in the Offer to Purchase Real Estate to the City of Des Moines and Acceptance negotiated by the City of Des Moines and Drake University, which purchase will allow Drake University to assemble the City Right-of-Way with its adjoining property in the surrounding block for renovation and expansion of existing facilities, which price reflects the appraised value of the City Right-of-Way; and



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WHEREAS, there is no known current or future public need or benefit for the City Right-of-Way proposed to be vacated and conveyed, 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 27th Street from Forest Avenue to Carpenter Avenue, and the 16 foot wide north/south alley from Forest Avenue to a point approximately 320.5 feet to the south, and the portion of Carpenter Avenue from 25th Street to 27th Street not previously vacated, legally described as follows:

-EXCEPT- A PORTION OF CARPENTER AVE RIGHT OF WAY LYING BETWEEN 25TH STREET AND 27TH STREET MORE SPECIFICALLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 75 FEET WEST OF THE SOUTHEAST CORNER OF LOT 91 IN UNIVERSITY PLACE, AN OFFICIAL PLAT, SAID POINT ALSO LYING ON THE NORTH RIGHT OF WAY LINE OF CARPENTER AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 216 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, 14 FEET; THENCE WEST AND PARALLEL TO SAID NORTH RIGHT OF WAY LINE, 216 FEET; THENCE NORTH AND PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, 14 FEET TO THE POINT OF BEGINNING; AND

ALL THAT PART OF CARPENTER AVENUE RIGHT OF WAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF 27TH STREET AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 65 IN SAID UNIVERSITY PLACE; AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING BETWEEN THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 104 AND THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 42.5 FEET OF LOT 9, ALL IN SAID UNIVERSITY PLACE; AND

ALL THAT PART OF THE 27TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 104 THROUGH 116 IN SAID UNIVERSITY PLACE;

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

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 Drake University, for \$116,500.00, subject to a no-build restriction and to the conditions above as set forth by the Plan and Zoning Commission recommendation:

ALL THAT PART OF VACATED CARPENTER AVENUE RIGHT OF WAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF 27TH STREET AND THE



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SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 65 IN UNIVERSITY PLACE, AN OFFICIAL PLAT; AND

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING BETWEEN THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 104 AND THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 42.5 FEET OF LOT 9, ALL IN SAID UNIVERSITY PLACE; AND

ALL THAT PART OF THE VACATED 27TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 104 THROUGH 116 IN SAID UNIVERSITY PLACE;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2.37 ACRES (103,274 SQUARE FEET).

- 3. A public hearing shall be held on July 13, 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, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL (7 yeas).

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