



**Roll Call Number**

15-1017

**Agenda Item Number**

17

**Date** June 22, 2015

**SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF LINDEN STREET AND THE NORTH/SOUTH ALLEY ADJOINING 1430 LINDEN STREET TO LINDEN STREET INVESTMENTS, L.L.C. FOR \$1,240,000**

**WHEREAS**, on December 8, 2014, by Roll Call No. 14-1847, City Council received a recommendation from the City Plan and Zoning Commission regarding a request from Linden Street Investments, L.L.C. for vacation of Linden Street from 14th Street to Ingersoll Avenue, and the north/south alley between 14th Street and 15th Street from Grand Avenue to a point approximately 121 feet to the north, subject to the following conditions:

1. Any conveyance is subject to all adjoining properties being held in common ownership.
2. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the owner's expense.
3. Provision of a deed restriction or lease provision that requires any interim or permanent redevelopment of the requested right-of-way or adjoining properties be in substantial compliance with a development concept approved by the City Council; and

**WHEREAS**, Linden Street Investments, L.L.C., owner of the adjoining property located at 1430 Linden Street, has offered to the City of Des Moines the purchase price of \$1,240,000.00 for the vacation and purchase of Linden Street from 14th Street to Ingersoll Avenue, and the north/south alley adjoining 1430 Linden Street (collectively "City Right-of-Way"), to allow Linden Street Investments, L.L.C. to assemble the City Right-of-Way with its adjoining property in the surrounding block for redevelopment, which price reflects the appraised value of the City Right-of-Way; and

**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 a segment of Linden Street from 14th Street to Ingersoll Avenue, and the north/south alley between 14th Street and 15th Street from Grand Avenue to a point approximately 121 feet to the north, legally described as follows:

ALL OF THE ALLEY IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, LYING NORTH OF GRAND AVENUE, SOUTH OF LOT 20, EAST OF LOT 21 AND WEST OF LOTS 22 AND 23, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 2,040 SQUARE FEET,

and



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A PART OF LINDEN STREET LYING SOUTH OF BLOCK 4, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY ESTATE TO FORT DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 27, FOURTEENTH STREET PLACE, AN OFFICIAL PLAT; THENCE NORTH 89° (DEGREES) 39' (MINUTES) 03" (SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 27, A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°39'03" WEST ALONG SAID NORTH LINE OF LOT 27 AND THE NORTH LINE OF LOTS 26, 25, 24, 23, 20, AND 19, ALL BEING IN SAID FOURTEENTH STREET PLACE, 403.72 FEET; THENCE NORTH 60°41'44" EAST, 133.40 FEET TO THE SOUTH LINE OF LOT 10 OF SAID BLOCK 4, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY ESTATE TO FORT DES MOINES; THENCE SOUTH 89°39'03" EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 11 THROUGH 14 OF SAID BLOCK 4, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY ESTATE TO FORT DES MOINES, 287.24 FEET; THENCE SOUTH 00°07'39" EAST, 66.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.52 ACRES (22,802 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 Linden Street Investments, L.L.C., for \$1,240,000.00, subject to the conditions above as set forth by the Plan and Zoning Commission recommendation:

ALL OF THE VACATED ALLEY IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, LYING NORTH OF GRAND AVENUE, SOUTH OF LOT 20, EAST OF LOT 21 AND WEST OF LOTS 22 AND 23, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 2,040 SQUARE FEET.

And

A PART OF VACATED LINDEN STREET LYING SOUTH OF BLOCK 4, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY ESTATE TO FORT DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 27, FOURTEENTH STREET PLACE, AN OFFICIAL PLAT; THENCE NORTH 89° (DEGREES) 39' (MINUTES) 03" (SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 27, A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°39'03" WEST ALONG SAID NORTH LINE OF LOT 27 AND THE NORTH LINE OF LOTS 26, 25, 24, 23,

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20, AND 19, ALL BEING IN SAID FOURTEENTH STREET PLACE, 403.72 FEET; THENCE NORTH 60°41'44" EAST, 133.40 FEET TO THE SOUTH LINE OF LOT 10 OF SAID BLOCK 4, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY ESTATE TO FORT DES MOINES; THENCE SOUTH 89°39'03 EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 11 THROUGH 14 OF SAID BLOCK 4, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSLEY ESTATE TO FORT DES MOINES, 287.24 FEET; THENCE SOUTH 00°07'39" EAST, 66.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.52 ACRES (22,802 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  
 Lisa A. Wieland, Assistant City Attorney

*psw*

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

MOTION CARRIED 7 APPROVED  
J.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