



Roll Call Number

15-1067

Agenda Item Number

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Date June 22, 2015

**HOLD 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.

WHEREAS, on June 8, 2015, by Roll Call No. 15-0910, it was duly resolved by the City Council that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on June 22, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City Right-of-Way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the segment of West Martin Luther King, Jr. Parkway (formerly Elm Street) right-of-way adjoining 300 West Martin Luther King, Jr. Parkway, as legally described below, and said vacation is hereby approved:



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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.

3. The proposed sale of such vacated right-of-way, as legally described below, to Green, Ltd., L.C. for \$9,090.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase, is hereby approved:

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 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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.

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



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(Council Communication No. 15-332)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

T. M. Franklin Council 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