

Date July 13, 2015

HOLD 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 commercial development, 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; and

WHEREAS, on June 22, 2015, by Roll Call No. 15-1017, it was duly resolved by the City Council that the proposed vacation and conveyance 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, be set down for hearing on July 13, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey 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 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:



Roll Call Number

15-1181

Agenda Item Number

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Date July 13, 2015

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance 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, 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 and conveyance 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, as legally described below, and said vacation is hereby approved:

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

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).

3. The proposed sale of such vacated right-of-way as legally described below, to Linden Street Investments, L.L.C., for \$1,240,000, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to conditions included in the City Plan and Zoning Commission recommendation, is hereby approved:



Date July 13, 2015

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, 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).

- 4. The Mayor is authorized and directed to sign the Offer to Purchase and the 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 grantee.



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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Signature of Lisa A. Wieland, 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.

Signature of Mayor, City of Des Moines

Signature of Diane Rauh, City Clerk