



Roll Call Number

15-1427

Agenda Item Number

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Date August 24, 2015

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

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

WHEREAS, on July 13, 2015, by Roll Call No. 15-1187, City Council of the City of Des Moines, Iowa, passed Ordinance No. 15,383 intending to vacate 27th Street from Forest Avenue to Carpenter Avenue, and Carpenter Avenue from 25th Street to 27th Street, and the 16 foot wide north/south alley from Forest Avenue to a point approximately 320.5 feet to the south ("City Right-of-Way"); and

WHEREAS, on July 13, 2015, by Roll Call No. 15-1185, City Council of the City of Des Moines, Iowa, further intended to approve the conveyance of such vacated City Right-of-Way to adjoining owner Drake University for \$116,500, in order to 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; and

WHEREAS, upon receiving the recorded Quit Claim Deed transferring the City Right-of-Way to Drake University back from the Polk County Recorder, it was determined that the legal description of the City Right-of-Way set forth in the Ordinance and Deed contained a scrivener's error which must be corrected in order to effectuate the proposed vacation and conveyance to Drake University; and

WHEREAS, Drake University, owner of all of the adjoining property, offered to the City of Des Moines the purchase price of \$116,500.00 for the vacation and purchase of the 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 executed by the City of Des Moines, Iowa, and Drake University on July 13, 2015, 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, 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 27th Street from Forest Avenue to Carpenter Avenue, and the 16 foot wide

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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 VACATED CARPENTER AVE RIGHT OF WAY (ORDINANCE 11,984) 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-, 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 109, ALL IN UNIVERSITY PLACE, AN OFFICIAL PLAT; 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 of the City of Des Moines, Iowa, 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, subject to the conditions above as set forth by the 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 executed by the City of Des Moines, Iowa and Drake University on July 13, 2015:

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 SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 65 IN SAID UNIVERSITY PLACE; 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 109, ALL IN SAID UNIVERSITY PLACE; AND



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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 1.37 ACRES (59,833 SQUARE FEET).

3. A public hearing shall be held on September 14, 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 of the City of Des Moines, Iowa, will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

4. That the City Clerk of the City of Des Moines, Iowa, is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §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 Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland
Assistant City Attorney

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

MOTION CARRIED APPROVED
7. 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.

[Signature] City Clerk