



Roll Call Number

15-1510

Agenda Item Number

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Date September 14, 2015

SET HEARING FOR VACATION AND CONVEYANCE OF VARIOUS STREET AND ALLEY RIGHTS-OF-WAY BETWEEN JACKSON AVENUE AND DUNHAM AVENUE AND BETWEEN INDIANOLA AVENUE AND SOUTH UNION STREET TO NEIGHBORHOOD DEVELOPMENT CORPORATION (NDC) FOR \$83,260

WHEREAS, on February 24, 2014, by Roll Call No. 14-0280, the City Council of the City of Des Moines, Iowa received a recommendation from the City Plan and Zoning Commission that a segment of Granger Avenue from Indianola Avenue to South Union Street and a segment of Southwest 1st Street from Jackson Street to Indianola Avenue (“City Right-of-Way”), hereinafter more fully described, be vacated as requested by Neighborhood Development Corporation (“NDC”), subject to reservation of necessary easements for utilities now in place and subject to reservation of access easements for all existing access drives serving existing uses; and

WHEREAS, on September 3, 2015, the City Plan and Zoning Commission voted to recommend that a segment of north/south alley between Southwest 1st Street and South Union Street from Jackson Avenue to a point 143 feet to the south adjoining 4 Jackson Avenue, and a segment of north/south alley between Indianola Avenue and South Union Street from Dunham Avenue to a point 82 feet to the north, (“City Right-of-Way”), hereinafter more fully described, be vacated as requested by Indy East, LLC, on behalf of NDC, subject to reservation of necessary easements for utilities now in place and subject to reservation of access easements for all existing access drives serving existing uses; and

WHEREAS, NDC is the owner of the real property that abuts the City Right-of-Way and has requested the vacation and conveyance of such City Right-of-Way for the purpose of incorporation with surrounding properties and has offered to the City of Des Moines the purchase price of \$83,260.00 for the purchase of the City Right-of-Way to be used for incorporation in to NDC’s property and redevelopment in accordance with the permitted zoning regulations for the property, which purchase 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 for the City right-of-way proposed to be vacated and conveyed, and the City will not be inconvenienced by the sale and conveyance of the City parcel.

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 various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street, as legally described below:

ALL THAT PART OF GRANGER AVENUE RIGHT-OF-WAY LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH UNION STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN

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BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE), ALL IN VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL THAT PART OF SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE WESTERLY EXTENTION OF THE NORTH LINE OF LOT 1 IN BLOCK 9 OF SAID VAN'S ADDITION TO SOUTH DES MOINES AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

ALL THAT PART OF SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF JACKSON AVENUE AND THE WESTERLY EXTENTION OF THE SOUTH LINE OF LOT 2 IN BLOCK 15 OF SOUTH FORT DES MOINES, AN OFFICIAL PLAT; AND

THE SOUTH 82 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

-EXCEPT THE SOUTH 121 FEET-, ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 9, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 15, SOUTH FORT DES MOINES, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 48,956 SQUARE FEET.

2. That if the City Council decides to vacate the above described City Right-of-Way, the City of Des Moines proposes to convey such vacated right-of-way and City property, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

To: Neighborhood Development Corporation

For: \$83,260.00

Legal Description:

ALL THAT PART OF THE VACATED GRANGER AVENUE RIGHT-OF-WAY LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH UNION STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE), ALL IN VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL THAT PART OF THE VACATED SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE WESTERLY EXTENTION OF THE NORTH LINE OF LOT 1 IN BLOCK 9 OF SAID VAN'S ADDITION TO SOUTH DES MOINES AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID

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ALL THAT PART OF THE VACATED SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF JACKSON AVENUE AND THE WESTERLY EXTENTION OF THE SOUTH LINE OF LOT 2 IN BLOCK 15 OF SOUTH FORT DES MOINES, AN OFFICIAL PLAT; AND

ALL THAT PART OF LOT 8 IN BLOCK 7 OF SAID VAN'S ADDITION TO SOUTH DES MOINES LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

THE VACATED SOUTH 82 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

-EXCEPT THE SOUTH 121 FEET-, ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 9, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 15, SOUTH FORT DES MOINES, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 48,956 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such City Right-of-Way is to be considered shall be on September 28, 2015, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That 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. The proceeds from the sale of this property shall be deposited as follows: Fund: SP767, Org: ENG980500

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Moved by Hensley 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			

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

MOTION CARRIED APPROVED
T. M. Franklin Counce
 Mayor