

★ Roll Call Number

15-1607

Agenda Item Number

22

Date September 28, 2015

**SET HEARING FOR THE PROPOSED CONVEYANCE OF ALLEY RIGHTS-OF-WAY
ADJOINING 103 AND 123 SW 3RD STREET AND 106 AND 112 SW 2ND STREET TO
CONFLUENCE ON THIRD LLC FOR MULTI-FAMILY RESIDENTIAL HOUSING PROJECT**

WHEREAS, on June 15, 1992, by Roll Call No. 92-2205, City Council adopted Ordinance No. 11,835, vacating all of the North/South and East/West alley right-of-ways in Block 29, Fort Des Moines, including those portions adjoining 103 and 123 SW 3rd Street and 106 and 112 SW 2nd Street ("Property"), as legally described below; and

WHEREAS, Confluence on Third LLC, successor to Roers Investments, L.L.C. ("Developer"), has requested to purchase the Property for the purchase price of \$280,000.00 for the purpose of incorporating said alleys into development of a new 211-unit, market-rate, multi-family residential housing project, which purchase price reflects fair market value as established by an independent appraisal dated May 18, 2015; and

WHEREAS, on June 22, 2015, by Roll Call No. 15-1089, the City Council received and filed Council Communication No. 15-325 from the City Manager regarding the purchase and development of the Property, and directed the City Manager to continue to work with the Developer regarding design and financial proposals to facilitate the proposed market-rate multi-family housing project, including terms of development agreement and sale of the Property and Board and Commission review and recommendation processes, and to make a recommendation to Council on the final terms and conditions of the development agreement and sale of the Property; and

WHEREAS, there is no current or future City need or benefit for the Property to be sold, the City will not be inconvenienced by the sale of the Property, and City staff recommends approval of the sale as in the best interests of the City.

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

1. The City of Des Moines, Iowa proposes to sell the City-owned vacated North/South and East/West alley right-of-ways in Block 29, Fort Des Moines, including those portions adjoining 103 and 123 SW 3rd Street and 106 and 112 SW 2nd Street ("Property"), to Confluence on Third LLC for the purchase price of \$280,000.00, which property is legally described as follows, subject to the terms to be included in the Offer to Purchase:

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY, AND ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY, INCLUDING INTERSECTION OF BOTH ALLEYS, IN BLOCK 29, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 9041 SQUARE FEET.



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2. A public hearing is hereby set for October 12, 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.

3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, 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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk