



Roll Call Number

15-1637

Agenda Item Number

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Date September 28, 2015

HOLD 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 the 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 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 14, 2015, by Roll Call No. 15-1504, City Council received a recommendation from the City Plan and Zoning Commission 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 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 or benefit for the portion of the City Right-of-Way proposed to be vacated, or for the City property proposed to be sold, and the City will not be inconvenienced by the vacation and sale of said property.

WHEREAS, on September 14, 2015, by Roll Call No. 15-1510, 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 September 28, 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.



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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 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, and said vacation is hereby approved:

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 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.

3. The proposed sale of such vacated right-of-way and City property, as legally described below, to Neighborhood Development Corporation for \$83,260.00, 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, which includes a provision that said sale

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is further subject to the execution of a purchase agreement between NDC and George Investments, L.L.C. for the conveyance of a shared alley right-of-way south of Jackson Avenue, is hereby approved:

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 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 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.

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.



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- 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. The proceeds from the sale of this property shall be deposited as follows: Org: EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

(Council Communication No. 15-503)

Lisa A. Wieland
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.

Diane Rauh
City Clerk

MOTION CARRIED APPROVED
T. M. Franklin Mayor