



Roll Call Number

15-1732

Agenda Item Number

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Date October 12, 2015

HOLD 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 approximately 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 known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said property; and

WHEREAS, on September 28, 2015, by Roll Call No. 15-1607, it was duly resolved by the City Council that the proposed conveyance of the Property be set for hearing on October 12, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Property 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 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of 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, as described herein, are hereby overruled and the hearing is closed.

2. The proposed sale of such vacated right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, is hereby approved:

Date October 12, 2015

To: Confluence on Third, L.L.C.
For: \$280,000.00

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 APROXIMATELY 9041 SQUARE FEET.

- 3. The Mayor is authorized and directed to sign the Offer to Purchase and Special Warranty Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
- 4. 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.
- 5. 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.
- 6. 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 a copy of the other documents to the grantee.

(Council Comm. No. 15-534)

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Moved by *Hensley* to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin
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.

Diane Rauh
City Clerk