



Roll Call Number

15-1860

Agenda Item Number

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Date November 9, 2015

**SET HEARING FOR VACATION OF A PORTION OF MARKET STREET RIGHT-OF-WAY
ADJOINING 123 SOUTHWEST 3RD STREET AND CONVEYANCE OF A PERMANENT
EASEMENT FOR BUILDING ENCROACHMENT TO CONFLUENCE ON THIRD LLC FOR
\$2,525.00**

WHEREAS, Confluence on Third LLC is the owner of the real property bounded by SW 2nd Street, SW 3rd Street, Vine Street and Market Street, locally known as 123 Southwest Third Street, which property is being developed into multi-family apartments; and

WHEREAS, Confluence on Third LLC has requested the vacation of a portion of Market Street between Southwest 2nd Street and Southwest 3rd Street ("City Right-of-Way"), hereinafter more fully described, and has requested that the City of Des Moines, Iowa ("City") convey a Permanent Easement for Building Encroachment in the vacated City Right-of-Way to Confluence on Third LLC to allow for building footings, entrance stoops, and balconies for a proposed multi-family apartments; and

WHEREAS, Confluence on Third LLC has offered to the City the purchase price of \$2,525.00 for the vacation and purchase of the Permanent Easement for Building Encroachment in the City Right-of-Way, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

WHEREAS, on October 26, 2015, by Roll Call No. 15-1776, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission approving a request from Confluence on Third LLC for the vacation of 3 feet of the north side of Market Street right-of-way adjoining property in the vicinity of 123 Southwest 3rd Street; 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, as follows:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of Market Street between Southwest 2nd Street and Southwest 3rd Street, more specifically described as follows:

THE NORTH 3 FEET OF MARKET STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING ALL OF 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.

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2. That, if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described right-of-way, the City of Des Moines proposes to sell a Permanent Easement for Building Encroachment in the vacated right-of-way, all legally described as follows, to Confluence on Third LLC for \$2,525.00, subject to the requirements of the Offer to Purchase:

THE NORTH 3 FEET OF VACATED MARKET STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING ALL OF 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.

3. That the meeting of the City Council of the City of Des Moines, Iowa, at which the adoption of said ordinance and the conveyance of such easement interests is to be considered shall be held on November 23, 2015, at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposals 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 Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

rsv

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GATTO	✓			
GREY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			1

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