



Roll Call Number

16-0229

Agenda Item Number

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Date February 8, 2016

CONTINUANCE OF HEARING FOR VACATION AND CONVEYANCE OF AN ESTIMATED 0.61 ACRES OF ALLEN PARK TO EAGLE VIEW LOFTS, LLC FOR \$1.00 IN EXCHANGE FOR A PERPETUAL EASEMENT FOR PUBLIC INGRESS-EGRESS, PARKING AND DUMPSTER SPACE DEDICATED FOR ALLEN PARK USERS

WHEREAS, on February 25, 2014, the Park and Recreation Board approved a recommendation that the City Council of the City of Des Moines, Iowa, vacate and convey a portion of Allen Park located at 504 SE 6th Street, and dedicate approximately 2.8 acres of City-owned property at Maury Street and SE 6th Street as parkland as a replacement of the Allen Park parkland to be vacated; and

WHEREAS, on April 7, 2014, by Roll Call 14-0563, the City Council of the City of Des Moines, Iowa, approved the sale of vacated Allen Park to Christopher S. Buchanan in accordance with the requirements of the Park and Recreation Board that the City-owned property at Maury Street and SE 6th Street be dedicated as parkland for relocation of Allen Park; and

WHEREAS, Eagle View Lofts, LLC is negotiating an Offer to Purchase with the City of Des Moines for purchase of the property adjoining relocated Allen Park upon which they intend to construct 100-120 market rate residential dwelling units in multiple structures; and

WHEREAS, Eagle View Lofts, LLC has requested the vacation and conveyance of approximately 0.61 acres (estimated \$45,281 fair market value) of Allen Park in consideration of \$1.00 and the construction and maintenance of a paved parking lot, and a perpetual easement for the exclusive right to ten parking spaces in the parking lot during park hours, adjacent space for dumpster and enclosing structure, and ingress-egress thereto (estimated value of \$58,904) for users of Allen Park and the new community garden therein, with the remaining parking spaces of said parking lot to be used by the Eagle View Loft residents; and

WHEREAS, the conveyance documents shall be drafted in such a way to preserve the City's reversionary ownership interest in the property, so if Eagle View Lofts, LLC fails to construct or maintain the improvements as described above or otherwise fails to abide by the terms and conditions set forth in the conveyance documents, ownership in the property shall revert back to the City; and

WHEREAS, the construction of said parking lot shall be completed no later than July 1, 2017; and

WHEREAS, in addition to the perpetual easement for public ingress-egress, parking and dumpster space, the City shall also receive a permanent easement for access and connection to all existing utilities currently within the property to be conveyed; and

WHEREAS, closing on the conveyance to Eagle View Lofts, LLC must occur concurrently with Eagle View Lofts, LLC's closing on the purchase of the adjacent properties currently owned by the City and the Des Moines Metropolitan Wastewater Reclamation Authority; and

WHEREAS, there is no current or future City need for the Property to be sold, the City will not be inconvenienced by the sale of the Property, the City will benefit from the perpetual easement for public



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ingress-egress, parking and dumpster space and will save on maintenance costs, and City staff recommends approval of the sale as in the best interests of the City; and

WHEREAS, on January 25, 2016, by Roll Call No. 16-0123, it was duly resolved by the City Council that the proposed vacation and conveyance of the City parkland be set down for hearing on February 8, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City parkland was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, a continuance of the public hearing is needed until the Council meeting on February 22, 2016, to allow Eagle View Lofts, LLC. additional time for procurement of financing for the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation and conveyance of approximately 0.61 acres (estimated \$45,281 fair market value) of Allen Park in consideration of \$1.00 and the construction and maintenance of a paved parking lot, and a perpetual easement for the exclusive right to ten parking spaces in the parking lot during park hours, adjacent space for dumpster and enclosing structure, and ingress-egress thereto (estimated value of \$58,904) for users of Allen Park and the new community garden therein, with the remaining parking spaces of said parking lot to be used by the Eagle View Loft residents, be and is hereby continued to February 22, 2016, at 5:00 p.m. in the City Council Chambers.

(Council Communication No. 16-0229)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

RW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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