



Roll Call Number

16-0271

Agenda Item Number

21

Date February 22, 2016

SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF WEST MARTIN LUTHER KING, JR. PARKWAY (ALSO KNOWN AS ELM STREET) ADJOINING 300 WEST MARTIN LUTHER KING, JR. PARKWAY TO GREEN LTD., L.C. FOR \$12,610.00

WHEREAS, on February 4, 2016, the City Plan and Zoning Commission voted to recommend to the City Council of the City of Des Moines, Iowa that a segment of West Martin Luther King, Jr. Parkway (formerly Elm Street), adjoining 300 West Martin Luther King, Jr. Parkway, hereinafter more fully described, be vacated, subject to reservation of easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or relocated; and

WHEREAS, Green Ltd., L.C., owner of 300 West Martin Luther King, Jr. Parkway, has offered to the City of Des Moines the purchase price of \$12,610.00 for the vacation and purchase of the West Martin Luther King, Jr. Parkway (formerly Elm Street) right-of-way adjoining 300 West Martin Luther King, Jr. Parkway (herein "City Right-of-Way"), for construction of an outdoor patio and associated improvements as part of the redevelopment of their adjoining property, 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, 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 Right-of-Way proposed to be sold, and the City will not be inconvenienced by the vacation and sale of said property.

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 segment of West Martin Luther King, Jr. Parkway (formerly Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway, legally described as follows:

That part of West Martin Luther King Jr. Parkway (former Elm Street) right-of-way being more particularly described as follows:

Commencing at the Northwest corner of Lot 1 in Green Colonial Place Plat 2, an Official Plat; thence North 15°(degrees) 19'(minutes) 11"(seconds) West, 10.00 feet to the North line of that 10 foot strip of right-of-way previously vacated by Ordinance No. 15,378 and conveyed to Green Ltd., L.C. by that Quit Claim Deed filed in Book 15636, Page 653 in the Office of the Recorder for Polk County, Iowa; thence North 74°15'05" East, 76.13 feet along the North line of said previously vacated right-of-way to the Point of Beginning; thence North 15°44'55" West, 32.08 feet; thence North 80°01'27" East, 288.21 feet to the East line extended of said Lot 1 in Green Colonial Place Plat 2; thence South 15°44'55" East, 3.10 feet along the East line extended of said Lot 1 in Green Colonial Place Plat 2 to



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the North line of said previously vacated right-of-way; thence South 74°15'05" West, 286.75 feet along the North line of said previously vacated right-of-way to the point of beginning.

All now included in and forming a part of the City of Des Moines, Polk County, Iowa, and containing 5,044 square feet.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines further proposes to sell such vacated right-of-way, as legally described below, to Green Ltd., L.C. for \$12,610.00, subject to the requirements of the Plan and Zoning Commission recommendation:

That part of vacated West Martin Luther King Jr. Parkway (former Elm Street) right-of-way being more particularly described as follows:

Commencing at the Northwest corner of Lot 1 in Green Colonial Place Plat 2, an Official Plat; thence North 15°(degrees) 19'(minutes) 11"(seconds) West, 10.00 feet to the North line of that 10 foot strip of right-of-way previously vacated by Ordinance No. 15,378 and conveyed to Green Ltd., L.C. by that Quit Claim Deed filed in Book 15636, Page 653 in the Office of the Recorder for Polk County, Iowa; thence North 74°15'05" East, 76.13 feet along the North line of said previously vacated right-of-way to the Point of Beginning; thence North 15°44'55" West, 32.08 feet; thence North 80°01'27" East, 288.21 feet to the East line extended of said Lot 1 in Green Colonial Place Plat 2; thence South 15°44'55" East, 3.10 feet along the East line extended of said Lot 1 in Green Colonial Place Plat 2 to the North line of said previously vacated right-of-way; thence South 74°15'05" West, 286.75 feet along the North line of said previously vacated right-of-way to the point of beginning.

All now included in and forming a part of the City of Des Moines, Polk County, Iowa, and containing 5,044 square feet.

3. A public hearing shall be held on March 7, 2016, 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.
4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

PSW

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