



16-0421

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Date March 7, 2016

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF 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**, Green Ltd., L.C., owner of 300 West Martin Luther King, Jr. Parkway, has offered to the City of Des Moines, Iowa, (herein "City") 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; and

**WHEREAS**, on February 22, 2016, by Roll Call No. 16-0271, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on March 7, 2016, 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 of the City of Des Moines, Iowa.

**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 the segment of West Martin Luther King, Jr. Parkway (formerly Elm Street) right-of-way adjoining 300 West Martin Luther King, Jr. Parkway, as legally described below, and said vacation is hereby approved:

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

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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. The proposed sale of such vacated right-of-way, as legally described below, to Green, Ltd., L.C. for \$12,610.00, 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, is hereby approved:

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.

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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 16-118)

Moved by Wensley 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			

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