

★ Roll Call Number

16-0673

Agenda Item Number

25

Date April 25, 2016

**SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF
MARTIN LUTHER KING, JR. PARKWAY ADJOINING 2120 INGERSOLL AVENUE
TO DJ INGERSOLL PROPERTIES L.L.C. FOR \$5,115.00**

WHEREAS, on April 7, 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 Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue, hereinafter more fully described, be vacated, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to the reservation of a no-build easement; and

WHEREAS, DJ Ingersoll Properties L.L.C., owner of 2120 Ingersoll Avenue, has offered to the City of Des Moines ("City") the purchase price of \$5,115.00 for the vacation and purchase of the Martin Luther King, Jr. Parkway right-of-way adjoining 2120 Ingersoll Avenue (herein "City Right-of-Way"), for use as an outdoor seating and patio area for the restaurant and lounge located at 2120 Ingersoll Avenue, 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 Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue, legally described as follows:

Part of Lot 9 of the Official Plat of The Southwest $\frac{1}{4}$ of Section 5, Township 78 North, Range 24 West of the 5th P.M., described as follows:

The West 13.75 feet of the North 62.0 feet of the East 100.0 feet of said Lot 9, lying South of and adjoining Ingersoll Avenue, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and containing 852.5 square feet.

2. That if the City Council decides to vacate the above described right-of-way, the City further proposes to sell such vacated right-of-way, as legally described below, to DJ Ingersoll Properties L.L.C. for \$5,115.00, subject to the requirements of the Plan and Zoning Commission recommendation:

A vacated part of Lot 9 of the Official Plat of The Southwest $\frac{1}{4}$ of Section 5, Township 78 North, Range 24 West of the 5th P.M., described as follows:

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The West 13.75 feet of the North 62.0 feet of the East 100.0 feet of said Lot 9, lying South of and adjoining Ingersoll Avenue, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and containing 852.5 square feet.

3. A public hearing shall be held on May 9, 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.

Moved by Hensley 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