



Roll Call Number

16-0675

Agenda Item Number

26 ✓

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Date April 25, 2016

**SET HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED NORTH OF CROCKER STREET BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET TO HRC 8<sup>TH</sup> STREET, LLC FOR \$31,350.00**

**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 dead-end segment of north/south alley right-of-way located west of and adjoining 900 and 922 8<sup>th</sup> Street, and 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

**WHEREAS**, HRC 8<sup>th</sup> Street, LLC is currently under contract to purchase 900 8<sup>th</sup> Street and 922 8<sup>th</sup> Street, and has offered to the City of Des Moines, Iowa ("City") the purchase price of \$31,350.00 for the purchase of the portion of the alley right-of-way lying west of and adjoining 900 8<sup>th</sup> Street and 922 8<sup>th</sup> Street for incorporation into the adjoining commercial property to allow for redevelopment, which price reflects the fair market value of said portion of alley right-of-way as currently estimated by the City's Real Estate Division; and

**WHEREAS**, said conveyance is contingent upon HRC 8<sup>th</sup> Street, LLC or an affiliate obtaining title to both 900 8<sup>th</sup> Street and 922 8<sup>th</sup> Street; and

**WHEREAS**, there is no known current or future public need for the alley right-of-way proposed to be vacated and 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, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of north/south alley right-of-way located west of and adjoining 900 and 922 8<sup>th</sup> Street, legally described as follows:

**-EXCEPT THE NORTH 33.5 FEET-, ALL OF THE NORTH/SOUTH 16 FOOT ALLEY LYING EAST OF AND ADJOINING LOTS 1, 2, 3 AND 4 IN THE SUBDIVISION OF BLOCK P IN HOLCOMB'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3688 SQUARE FEET.**

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of north/south alley right-of-way located west of and adjoining 900 and 922 8<sup>th</sup> Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:



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110-0675

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Date April 25, 2016

To: HRC 8th Street, LLC
For: \$31,350.00

-EXCEPT THE NORTH 33.5 FEET-, ALL OF THE VACATED NORTH/SOUTH 16 FOOT ALLEY LYING EAST OF AND ADJOINING LOTS 1, 2, 3 AND 4 IN THE SUBDIVISION OF BLOCK P IN HOLCOMB'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3688 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on May 9, 2016, said meeting to be held 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 proposal 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 Hensley to adopt.

APPROVED AS TO FORM:

Signature of Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

Signatures of T. M. Franklin (Mayor) and APPROVED

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.

Signature of Diane Fauh, City Clerk