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Date July 11, 2016

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF WEST MARTIN LUTHER KING, JR. PARKWAY (FORMER MARKET STREET) RIGHT-OF-WAY LOCATED WEST OF 16TH STREET AND NORTH OF WEST MARTIN LUTHER KING, JR. PARKWAY TO EXILE BREWING COMPANY, LLC FOR \$49,000

WHEREAS, on June 16, 2016, the City Plan and Zoning Commission voted to recommend to the City Council of the City of Des Moines, Iowa, that a portion of West Martin Luther King, Jr. Parkway (former Elm Street) located at the northwest corner of West Martin Luther King, Jr. Parkway west of 16th Street and east of the Meredith Corporation parking lot, 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, Exile Brewing Company, LLC has offered to the City of Des Moines (“City”) \$49,000 for the purchase of the vacated segment of West Martin Luther King, Jr. Parkway to be used as a surface parking lot for employees and/or patrons of Exile Brewing Company which is located at 1514 Walnut Street, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to a no-build easement which will be included in the deed and required in the Real Estate Purchase Installment Contract, which price reflects the restricted-use fair market value of said portion of street right-of-way as determined by the City’s Real Estate Division; and

WHEREAS, Exile Brewing Company, LLC and City staff have negotiated the terms of a Real Estate Purchase Installment Contract, as on file in the office of the City Clerk, for the proposed conveyance, in which the purchase price of \$49,000 would be paid over a seven-year period with the first payment of \$8,088.61 being due upon execution of said installment contract by the City and prior to Exile Brewing Company, LLC obtaining possession of the property, with subsequent payments being made annually thereafter; and

WHEREAS, there is no known current or future public need for the segment of West Martin Luther King, Jr. Parkway right-of-way proposed to be sold, and the City will not be inconvenienced by the vacation and conveyance 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 portion of West Martin Luther King, Jr. Parkway (former Elm Street) located at the northwest corner of West Martin Luther King, Jr. Parkway west of 16th Street and north of West Martin Luther King, Jr. Parkway, legally described as follows:

That part of West Martin Luther King Jr. Parkway right-of-way being part of former railroad right-of-way and part of former Market Street right-of-way in the Northeast Quarter of Section

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8, Township 78 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Commencing at the northeasterly corner of Lot 1 in DICO PLAT NO. 1, an Official Plat in the City of Des Moines, Polk County, Iowa, at the former intersection of the West right-of-way line of SW 17th Street and the North right-of-way line of Market Street, a point on the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 71°(degrees) 19'(minutes) 03"(seconds) East, 24.45 feet (previously recorded as South 71°29'43" East, 24.30 feet) along the present northerly right-of-way line of West Martin Luther King Jr. Parkway to the Point of Beginning; thence North 15°45'44" West, 60.41 feet (previously recorded as North 15°44'12" West, 60.48 feet) along the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 71°33'15" East (previously recorded as South 71°29'44" East), 255.00 feet along the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 72°22'41" West, 100.21 feet; thence North 71°33'15" West, 140.03 feet; thence North 18°26'45" East, 9.04 feet to the point of beginning. Containing 11,500 square feet.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of West Martin Luther King, Jr. Parkway (former Elm Street) located at the northwest corner of West Martin Luther King, Jr. Parkway west of 16th Street and north of West Martin Luther King, Jr. Parkway, as legally described and to the grantees and for the consideration identified below, subject to the reservation of easements therein:

Grantee: Exile Brewing Company, LLC

Consideration: \$49,000.00

Legal Description:

That part of Vacated West Martin Luther King Jr. Parkway right-of-way being part of former railroad right-of-way and part of former Market Street right-of-way in the Northeast Quarter of Section 8, Township 78 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Commencing at the northeasterly corner of Lot 1 in DICO PLAT NO. 1, an Official Plat in the City of Des Moines, Polk County, Iowa, at the former intersection of the West right-of-way line of SW 17th Street and the North right-of-way line of Market Street, a point on the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 71°(degrees) 19'(minutes) 03"(seconds) East, 24.45 feet (previously recorded as South 71°29'43" East, 24.30 feet) along the present northerly right-of-way line of West Martin Luther King Jr. Parkway to the Point of Beginning; thence North 15°45'44" West, 60.41 feet (previously recorded as North 15°44'12" West, 60.48 feet) along the present northerly right-of-way line of West Martin Luther King Jr. Parkway; thence South 71°33'15" East (previously recorded as South 71°29'44" East), 255.00 feet along the present northerly right-of-way line of West Martin Luther King Jr. Parkway;

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thence South 72°22'41" West, 100.21 feet; thence North 71°33'15" West, 140.03 feet; thence North 18°26'45" East, 9.04 feet to the point of beginning. Containing 11,500 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 July 25, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, 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. That the City Clerk is hereby authorized and directed to publish notice of said proposal 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

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