



Roll Call Number

16.1152

Agenda Item Number

46A

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Date July 11, 2016

**SET HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR SEGMENT
OF CENTER STREET RIGHT-OF-WAY ADJOINING 1201 CENTER STREET TO
QUIKTRIP CORPORATION FOR \$18,295.00**

WHEREAS, on November 19, 2015, the City Plan and Zoning Commission voted to deny an application by QuikTrip Corporation (purchaser) represented by Matt Brooks (officer), approval of a Site Plan titled "QuikTrip No. 0526" under design guidelines for gas stations/convenience stores, on property located at 1200 Keosauqua Way and 1201 Center Street, which site plan required the vacation and conveyance of an irregular segment of Center Street right-of-way adjoining the southeastern portion of 1201 Center Street ("Property"), to allow development of a 5,773-square foot convenience store with a pump island canopy for 12 fueling locations; and

WHEREAS, QuikTrip timely appealed to the City Council pursuant to §82-210 of the Des Moines Municipal Code, seeking to have the Commission's decision reversed; and

WHEREAS, after notice and public hearing, the City Council adopted Roll Call No. 16-0162 on January 25, 2016, approving said site plan, including the existing building placement and height, subject to the following conditions:

- a) Compliance with the standard engineering and Building Code requirements;
- b) Conforming to the applicable landscape standards; and
- c) Resolving the issues with traffic flow and access onto 12th Street and the intersection of 12th Street and Keosauqua Way, including appropriate cost sharing on the study, design and construction of any necessary traffic improvements, to the reasonable satisfaction of the City Council; and

WHEREAS, by Roll Call No. 16-0162, the City Council also referred the proposed vacation of a segment of Center Street adjoining the site to the Engineering Department, Real Estate Division for further processing, subject to satisfaction of the conditions identified above; and

WHEREAS, QuikTrip Corporation, the owner of 1201 Center Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$18,295.00 for the purchase of the irregular segment of Center Street right-of-way adjoining the southeastern portion of 1201 Center Street, for incorporation into the adjoining commercial property to allow for development of a 5,773-square foot convenience store with a pump island canopy for 12 fueling locations, 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 the conditions contained in Roll Call No. 16-0162 adopted by the City Council of the City of Des Moines, Iowa, on January 25, 2016, which price reflects the fair market value of said portion of street right-of-way as determined by the City's Real Estate Division; and



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WHEREAS, QuikTrip Corporation and the City have negotiated a purchase agreement for the Property whereby QuikTrip Corporation will convey to the City a portion of 1201 Center Street valued at \$9,148.00 as partial payment of the \$18,295.00 purchase price for said irregular segment of Center Street right-of-way, with the balance of the purchase price being due at closing; and

WHEREAS, there is no known current or future public need for the street 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 an irregular segment of Center Street right-of-way, adjoining the southeastern portion of 1201 Center Street, legally described as follows:

A PARCEL OF LAND BEING A PART OF THE CITY OF DES MOINES PUBLIC RIGHT-OF-WAY ADJACENT TO LOT 6 OF OAKRIDGE PLAT 3, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE ALONG THE SOUTH LINE OF SAID LOT 6 S89°32'59"E, 65.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°32'59"E, 60.57 FEET; THENCE 66.24 FEET ALONG A 49.00 FOOT RADIUS CURVE, CONCAVE NORTHWEST, CHORD BEARING N51°45'43"E, 61.31 FEET; THENCE N13°06'34"E, 28.31 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID SOUTHEASTERLY LINE S45°07'54"W, 67.57 FEET; THENCE ALONG SAID SOUTHEASTERLY LINE S75°31'00"W, 69.46 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINS 0.04 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the irregular segment of Center Street right-of-way, adjoining the southeastern portion of 1201 Center Street, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein and the closing of which is further subject to the satisfaction of all conditions required by Roll Call No. 16-0162:

Grantee: QuikTrip Corporation

Consideration: \$18,295.00

Legal Description:

A PARCEL OF LAND BEING A PART OF THE CITY OF DES MOINES VACATED PUBLIC RIGHT-OF-WAY ADJACENT TO LOT 6 OF OAKRIDGE PLAT 3, AN OFFICIAL PLAT,



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INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE ALONG THE SOUTH LINE OF SAID LOT 6 S89°32'59"E, 65.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°32'59"E, 60.57 FEET; THENCE 66.24 FEET ALONG A 49.00 FOOT RADIUS CURVE, CONCAVE NORTHWEST, CHORD BEARING N51°45'43"E, 61.31 FEET; THENCE N13°06'34"E, 28.31 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 6; THENCE ALONG SAID SOUTHEASTERLY LINE S45°07'54"W, 67.57 FEET; THENCE ALONG SAID SOUTHEASTERLY LINE S75°31'00"W, 69.46 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINS 0.04 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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.

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:

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.

MOTION CARRIED APPROVED
T. M. Franklin Course 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