

Date August 22, 2016

SET HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR SEGMENT OF 15TH STREET RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1514 WALNUT STREET TO EXILE BREWING COMPANY, LLC FOR \$2,184

WHEREAS, on July 25, 2016, by Roll Call No. 16-1195, the City Council of the City of Des Moines, Iowa, voted to receive and file a communication from the City Plan and Zoning Commission recommending approval of a request from Robert J. Tursi, Jr., for vacation of an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street (“City Right-of-Way”), hereinafter more fully described, 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”) \$2,184.00 for the purchase of City Right-of-Way to allow for acquisition and site expansion of Exile Brewing Company, 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, 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, there is no known current or future public need for the City 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 an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street, legally described as follows:

Part of 15th Street right-of-way being part of Lots 14, 15 and 17 in the Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon’s Addition to Fort Des Moines, an Official Plat 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 Northeast corner of Lot 1 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon’s Addition to Fort Des Moines; thence South 15°(degrees) 43’(minutes) 09”(seconds) East, 120.14 feet along the East lines of Lots 1, 17 and 16 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon’s Addition to Fort Des Moines; thence South 74°05’29” West, 77.90 feet to the Point of Beginning; thence continuing South 74°05’29” West, 19.00 feet to the present West right-of-way line of said 15th Street; thence northerly 71.72 feet along the arc of a curve in the present West right-of-way line of said 15th Street concave westerly and having a radius of 171.00 feet, a central angle of 24°01’55”, and a

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71.20 feet long chord that bears North 27°35'10" East; thence South 14°14'42" West, 59.73 feet to the point of beginning, containing 312 square feet.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street, as legally described, to the grantees, and for the consideration identified below, subject to the reservation of easements therein and further subject to a no-build easement:

Grantee: Exile Brewing Company, LLC

Consideration: \$2,184.00

Legal Description:

Part of Vacated 15th Street right-of-way being part of Lots 14, 15 and 17 in the Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines, an Official Plat 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 Northeast corner of Lot 1 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines; thence South 15°(degrees) 43'(minutes) 09"(seconds) East, 120.14 feet along the East lines of Lots 1, 17 and 16 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines; thence South 74°05'29" West, 77.90 feet to the Point of Beginning; thence continuing South 74°05'29" West, 19.00 feet to the present West right-of-way line of said 15th Street; thence northerly 71.72 feet along the arc of a curve in the present West right-of-way line of said 15th Street concave westerly and having a radius of 171.00 feet, a central angle of 24°01'55", and a 71.20 feet long chord that bears North 27°35'10" East; thence South 14°14'42" West, 59.73 feet to the point of beginning, containing 312 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 September 12, 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.



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Moved by Moore to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED APPROVED T. M. Franklin Cownie 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