



**Roll Call Number**

116-11644

**Agenda Item Number**

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**Date** September 26, 2016

**CONTINUANCE OF HEARING FOR VACATION OF ALLEY RIGHT-OF-WAY AND VACATION OF AIR SPACE IN GRAND AVENUE AND 7<sup>TH</sup> STREET ADJOINING 665 GRAND AVENUE, AND CONVEYANCE OF SUCH ALLEY RIGHT-OF-WAY AND AN AIR SPACE EASEMENT TO GRAND 7 PARTNERS, LLC FOR \$224,525.00**

**WHEREAS**, on September 12, 2016, by Roll Call No. 16-1505, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission recommending approval of a request from Grand 7 Partners, LLC for the vacation of the north/south alley right-of-way between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street adjoining High Street and Grand Avenue, and a portion of air space in 7<sup>th</sup> Street and Grand Avenue right-of-way to allow for second floor entrance encroachments, all subject to the reservation of easements for existing utilities in place until such time as they are abandoned or relocated and further subject to the reservation of an ingress/egress easement for the northern portion of said alley right-of-way; and

**WHEREAS**, Grand 7 Partners, LLC has requested the vacation of the north/south alley right-of-way between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street adjoining High Street and Grand Avenue, and the vacation of air space in portions of 7<sup>th</sup> Street and Grand Avenue right-of-way adjoining 665 Grand Avenue, hereinafter more fully described; and has further requested that the City convey unto Grand 7 Partners, LLC said alley right-of-way, a Temporary Access Agreement for said alley right-of-way, and a Permanent Easement For Air Space Above City-Owned Property in the vacated portion of Grand Avenue and 7<sup>th</sup> Street right-of-way, all adjoining 665 Grand Avenue, hereinafter more fully described (collectively "City Right-of-Way"), to allow for second floor entrance canopy encroachments as part of the construction of a proposed 12-story mixed used building project; and

**WHEREAS**, Grand 7 Partners, LLC, has offered to the City the purchase price of \$224,525.00 for the purchase of the temporary and fee interest in said alley right-of-way and a permanent easement for said air space adjoining 665 Grand Avenue, which price reflects the fair market value of the City Right-of-Way as determined by an independent appraisal; and

**WHEREAS**, said conveyance is contingent upon future City Council approval of the redevelopment plan for said alley right-of-way; and

**WHEREAS**, on September 12, 2016, by Roll Call No. 16-1509, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of such property interests be set down for hearing on September 26, 2016, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate the City Right-of-Way and convey said alley right-of-way, Temporary Access Agreement, and a Permanent Easement For Air Space Above City-Owned Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, a continuance of the public hearing is needed until the City Council meeting on October 10, 2016, in order to allow for further negotiations on an Amendment to Development Agreement between the



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City and Grand 7 Partners, LLC, pursuant to which the temporary interests in the property will not be acquired.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for the vacation of the north/south alley right-of-way between 6th Avenue and 7th Street adjoining High Street and Grand Avenue, and a portion of air space in 7th Street and Grand Avenue right-of-way and conveyance of a Permanent Easement for Air Space Above City-Owned Property to Grand 7 Partners, LLC be and is hereby continued to October 10, 2106, at 5:00 p.m. in the City Council Chambers.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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