



Roll Call Number

17-0104

Agenda Item Number

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Date January 23, 2017

SET HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR PORTION OF 6TH AVENUE RIGHT-OF-WAY AND AN IRREGULAR PORTION OF 5TH AVENUE RIGHT-OF-WAY BOTH ADJOINING 921 6TH AVENUE TO CATHOLIC HEALTH INITIATIVES – IOWA CORP. FOR \$99,556.00

WHEREAS, on May 9, 2016, by Roll Call No. 16-0755, 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 for the vacation of an irregular portion of right-of-way from the southeast corner of School Street and 6th Avenue, and an irregular portion of right-of-way from the southwest corner of School Street and 5th Avenue, both adjoining 921 6th Avenue, (hereinafter “Right-of-Way”) subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and subject to a no-build easement, and further subject to review and approval of a Site Plan by the City of Des Moines Plan and Zoning Commission for all related site and landscaping improvements; and

WHEREAS, on June 13, 2016, by Roll Call No. 16-0995, the City Council of the City of Des Moines, Iowa voted to approve the vacation of the Right-of-Way, and convey said Right-of-Way to Catholic Health Initiatives – Iowa Corp.; and

WHEREAS, subsequent to the vacation of said Right-of-Way but prior to closing on the conveyance, Catholic Health Initiatives – Iowa Corp.’s title investigation determined that the State of Iowa Department of Transportation had acquired portions of said Right-of-Way for construction of Interstate 235, but title to said Right-of-Way had never been formally transferred to the City of Des Moines (hereinafter “City”) upon completion of the interstate project; and

WHEREAS, because the City did not have title to all of the Right-of-Way, the City did not have authority to vacate and convey said Right-of-Way on June 13, 2016; and

WHEREAS, on August 22, 2016, by Roll Call No. 16-1395, the City Council of the City of Des Moines, Iowa voted to repeal Ordinance No. 15,483 vacating the City Right-of-Way, and to approve and accept all documents from the State of Iowa Department of Transportation transferring to the City of Des Moines, Iowa, all of its fee simple property interests in the Right-of-Way adjoining 921 6th Avenue; and

WHEREAS, notices have been sent out in accordance with Iowa Code Chapter 306 and no competing offers were received by the City; and

WHEREAS, Catholic Health Initiatives – Iowa Corp. has offered the City of Des Moines \$99,556.00 for the purchase of the Right-of-Way for incorporation into the adjoining commercial property to allow for expansion of the existing site improvements, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and



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subject to a no-build easement, and further subject to review and approval of a Site Plan by the City of Des Moines Plan and Zoning Commission for all related site and landscaping improvements, which price reflects the restricted-use fair market value of said portion of street right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the 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 portion of street right-of-way from the southeast corner of School Street and 6th Avenue, and an irregular portion of street right-of-way from the southwest corner of School Street and 5th Avenue, both adjoining 921 6th Avenue, legally described as follows:

5th Avenue:

THAT PART OF PUBLIC RIGHT-OF-WAY FOR 5TH AVENUE AND SCHOOL STREET ADJOINING BLOCK "E" OF RIVER HILLS, PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK "E"; THENCE ON AN ASSUMED BEARING OF N 00°11'41" W, ALONG THE EASTERLY LINE OF SAID BLOCK "E"; 198.00 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY 124.92 ON A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 1218.08 FEET, A CENTRAL ANGLE OF 05°52'33", AND A CHORD WHICH BEARS N 06°50'43" W, FOR 124.86 FEET; THENCE N 11°53'33" W, 88.53 FEET; THENCE NORTHERLY 97.39 ON A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 850.00 FEET, HAVING A CENTRAL ANGLE OF 06°33'54", AND A CHORD WHICH BEARS N 08°36'36" W, FOR 97.34 FEET; THENCE N 05°19'39" W, 30.50 FEET; THENCE NORTHERLY 23.42 ON A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 148.76 FEET, A CENTRAL ANGLE OF 09°01'20", AND A CHORD WHICH BEARS N 09°50'19" W, FOR 23.40 FEET; THENCE N 43°39'55" W, 50.57 FEET; THENCE N 89°25'58" W, 102.51 FEET TO THE NORTHEASTERLY LINE OF SAID BLOCK "E"; THENCE ALONG THE NORTHEASTERLY LINE OF SAID BLOCK "E" THE FOLLOWING COURSES; S 38°12'23" E, 84.64 FEET; THENCE S 89°25'58" E, 5.00 FEET; THENCE S 24°07'41" E, 39.62 FEET; THENCE S 00°17'20" E, 30.00 FEET; THENCE S 89°25'48" E, 11.00 FEET; THENCE S 20°08'47" E, 141.01 FEET; THENCE S 20°21'35" E, 64.18 FEET; THENCE S 20°07'14" E, 77.09 FEET; THENCE S 89°25'58" E, 9.83 FEET TO THE POINT OF BEGINNING. CONTAINING 22,362 SQUARE FEET OR 0.51 ACRES.

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6th Avenue:

THAT PART OF PUBLIC RIGHT-OF-WAY FOR 6TH AVENUE AND SCHOOL STREET ADJOINING BLOCK "E" OF RIVER HILLS, PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID BLOCK "E"; THENCE ON AN ASSUMED BEARING OF N 00°16'10" W, ALONG THE WESTERLY LINE OF SAID BLOCK "E", 539.00 FEET TO THE POINT OF BEGINNING; THENCE N 00°16'10" W, 29.83 FEET; THENCE N 44°43'50" E, 35.07 FEET; THENCE S 89°25'58" E, 25.20 FEET TO THE NORTHWESTERLY LINE OF SAID BLOCK "E"; THENCE S 42°23'19" W, ALONG SAID NORTHWESTERLY LINE, 73.78 FEET TO THE POINT OF BEGINNING. CONTAINING 1,063 SQUARE FEET OR 0.02 ACRES.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the irregular portion of street right-of-way from the southeast corner of School Street and 6th Avenue, and the irregular portion of street right-of-way from the southwest corner of School Street and 5th Avenue, both adjoining 921 6th Avenue, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Catholic Health Initiatives – Iowa Corp.

Consideration: \$99,556.00

5th Avenue:

THAT PART OF VACATED PUBLIC RIGHT-OF-WAY FOR 5TH AVENUE AND SCHOOL STREET ADJOINING BLOCK "E" OF RIVER HILLS, PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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6th Avenue:

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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 February 6, 2017, 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.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
 Lisa A. Wieland
 Assistant City Attorney

PRW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

T. M. Franklin Mayor

Diane Rauh City Clerk