



**Roll Call Number**

17-0473

**Agenda Item Number**

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**Date** March 20, 2017

**SET HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED NORTH OF LAUREL STREET AND SOUTH OF ASCENSION STREET BETWEEN 6<sup>TH</sup> AVENUE AND 7<sup>TH</sup> STREET TO CATHOLIC HEALTH INITIATIVES – IOWA CORP., DBA MERCY MEDICAL CENTER – DES MOINES FOR \$40,760.00**

**WHEREAS**, on March 2, 2017, the City Plan and Zoning Commission, voted to recommend to the City Council of the City of Des Moines, Iowa that the of north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street (hereinafter “Property”) be vacated, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at Buyer’s sole expense following written approval of the City or applicable utility.
2. To the extent possible, the brick pavers within the vacated alley right-of-way shall be salvaged for reuse in accordance with a salvage plan approved by the Planning Administrator of the City of Des Moines; and

**WHEREAS**, Catholic Health Initiatives – Iowa, Corp. DBA Mercy Medical Center – Des Moines, the owner of the vacant parcels located east of and adjoining the Property, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$40,760.00 for the purchase of the Property for incorporation into its adjoining commercial property for redevelopment as an improved and paved surface parking lot, subject to the conditions set forth above, which price reflects the fair market value of said portion of alley 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 alley right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of the 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 the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street, legally described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 4 IN BLOCK 4, WALNUT HILL ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND



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ALL THAT PART OF LOT 74 LYING WEST OF AND ADJOINING LOTS 19 AND 20, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL QUARTER (1/4) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND CONTAINING APPROXIMATELY 5,435 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street, as legally described and to the grantees and for the consideration identified below, subject to conditions of the City's Plan and Zoning Commission:

Grantee: Catholic Health Initiatives – Iowa, Corp., DBA Mercy Medical Center – Des Moines  
Consideration: \$40,760.00

Legal Description:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 4 IN BLOCK 4, WALNUT HILL ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL THAT PART OF VACATED LOT 74 LYING WEST OF AND ADJOINING LOTS 19 AND 20, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL QUARTER (1/4) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND CONTAINING APPROXIMATELY 5,435 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such alley right-of-way is to be considered shall be on April 3, 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.

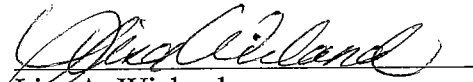
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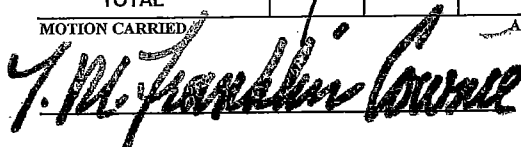
Moved by Hensley to adopt.

APPROVED AS TO FORM:

  
 Lisa A. Wieland  
 Assistant City Attorney

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

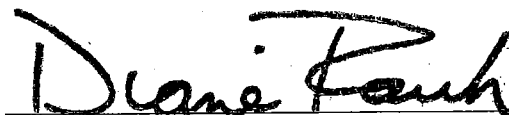
MOTION CARRIED APPROVED

 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.

 City Clerk