

17-01608

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Date April 3, 2017

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED NORTH OF LAUREL STREET AND SOUTH OF ASCENSION STREET BETWEEN 6TH AVENUE AND 7TH STREET TO CATHOLIC HEALTH INITIATIVES – IOWA CORP., DBA MERCY MEDICAL CENTER – DES MOINES FOR \$40,700.00

WHEREAS, on March 20, 2017, by Roll Call No. 17-0474, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request from Catholic Health Initiatives – Iowa, Corp., DBA Mercy Medical Center – Des Moines, for the vacation of the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th Street (hereinafter “Property”), 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.

WHEREAS, on March 20, 2017, by Roll Call No. 17-0473, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on April 3, 2017, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey the City right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th Street, legally described as follows, and said vacation is hereby approved:

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

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 5TH 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. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to conditions of the City Plan and Zoning Commission, and said conveyance is hereby approved:

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,



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RANGE 24 WEST OF THE 5TH 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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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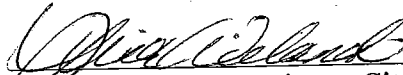
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(Council Communication No. 17-331)

Moved by Hensley to adopt.

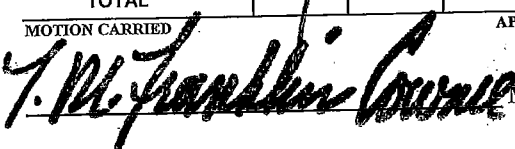
APPROVED AS TO FORM:


 Lisa A. Wieland, Assistant City Attorney

AM

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

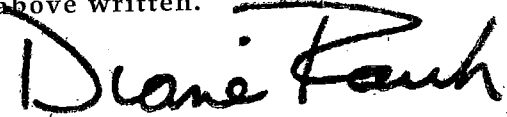
MOTION CARRIED

 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