



Roll Call Number

17-0900

Agenda Item Number

54

Date May 22, 2017

**RESOLUTION HOLDING PUBLIC HEARING ON SALE OF
VACATED CITY RIGHT-OF-WAY ADJOINING 212 E. 3RD STREET
TO H. GLASS PARTNERS, LLC FOR \$1,000**

WHEREAS, on March 1, 1993, the City Council approved Ordinance No. 11,946, vacating the east-west alley adjoining 212 E. 3rd Street; and

WHEREAS, H. Glass Partners, LLC is redeveloping 212 E. 3rd Street and rehabilitating the existing vacant building thereon for commercial use, including historical restoration of the exterior of the building including but not limited to reopening of the south windows; and

WHEREAS, such redevelopment and rehabilitation requires that the adjoining portion of the vacated east-west alley ("Property") be restricted with a no-build easement prohibiting construction of improvements thereon; and

WHEREAS, the Property is also currently used for ingress and egress by adjoining owners of parking lots to the south and east thereof; and

WHEREAS, H. Glass Partners, LLC has offered to the City of Des Moines the amount of \$1,000.00 for purchase of the Property for incorporation into the redevelopment of 212 E. 3rd Street, subject to easements for existing utilities and for public vehicular ingress and egress, and subject to a no-build restriction limiting the use of the Property to paved vehicular access without other improvements, which amount has been determined by the City's Real Estate Division to represent fair market value of the Property as so restricted; and

WHEREAS, there is no known current or future public need or benefit for the Property, and the City will not be inconvenienced by the sale thereof; and

WHEREAS, on May 8, 2017, by Roll Call No. 17-0777, it was duly resolved by the City Council that the proposed conveyance of the Property to H. Glass Partners, LLC, be set down for hearing on May 22, 2017, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal was published as provided by law in the Des Moines Register, setting forth the time and place for hearing on the proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed 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.

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



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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the real property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the north half of the vacated alley right-of-way adjoining 212 E. 3rd Street, legally described below, and the public would not be inconvenienced by reason of the conveyance of said property:

ALL OF THE NORTH HALF (1/2) OF THE VACATED ALLEY LYING SOUTH OF AND ADJOINING THE EAST 120.6 FEET OF LOT 11, BLOCK H, SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 965 SQUARE FEET.

3. That the sale and conveyance of such property to H. Glass Partners, LLC in exchange for \$1,000.00, subject to easements for utilities and public vehicular access and no-build restriction, be and is hereby approved.
4. That the Offer to Purchase between the City of Des Moines and H. Glass Partners, LLC, be and is hereby approved.
5. The Mayor is authorized and directed to sign said Offer 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 and to forward the original of the Offer and 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.
6. Upon payment of the purchase price, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described property to H. Glass Partners, LLC and to forward the original 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 copies 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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(Council Comm. No. 17-443)

MOVED BY Gatto TO ADOPT.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

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

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