

★ Roll Call Number

17-1512

Agenda Item Number

58

Date August 28, 2017

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RESOLUTION DISMISSING PUBLIC HEARING AND APPROVAL OF DOCUMENTS FOR VACATION OF CITY EAST-WEST ALLEY RIGHT-OF-WAY ADJOINING 322 EAST COURT AVENUE AND CONVEYANCE TO 322 E. COURT, LLC FOR \$21,000.00

WHEREAS, on June 12, 2017, by Roll Call No. 17-0970, the City Council of the City of Des Moines, Iowa voted to accept the recommendation from the City Plan and Zoning Commission that the east-west alley right-of-way adjoining 322 East Court Avenue subject to certain conditions; and

WHEREAS, 322 E. Court, LLC, owner of 322 East Court Avenue, has offered to the City of Des Moines ("City") the purchase price of \$21,000.00 for the vacation and purchase of the east-west alley right-of-way adjoining its property at 322 East Court Avenue (herein "City Right-of-Way"), for assemblage with the adjoining commercial properties, which are both owned by 322 E. Court, LLC, subject to conditions; and

WHEREAS, on August 14, 2017, by Roll Call No. 17-1361, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on August 28, 2017, at 5:00 p.m., in the City Council Chambers

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, 322 E. Court, LLC has determined that the current terms of the Offer to Purchase negotiated with the City of Des Moines for the vacation and purchase of the east-west alley right-of-way adjoining its property at 322 East Court Avenue are no longer applicable and has asked the City of Des Moines to dismiss the hearing for vacation and conveyance of said City east-west alley right-of-way adjoining 322 East Court Avenue, and to re-negotiate the terms and conditions of said Offer to Purchase.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, Council hereby dismisses the hearing and approval of documents for vacation of City east-west alley right-of-way adjoining 322 East Court Avenue, and conveyance to 322 E. Court, LLC.

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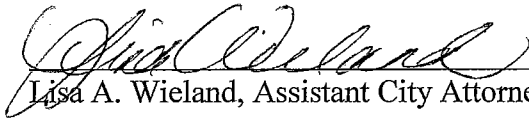
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Moved by Gatto to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

RJW

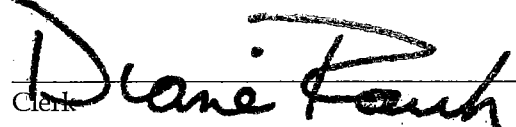
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

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.


City Clerk