

★ **Roll Call Number**
17-1953

Agenda Item Number
22A

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Date November 20, 2017.

SET HEARING FOR VACATION AND LEASE OF A PORTION OF MARTIN LUTHER KING, JR. PARKWAY RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING WOODLAND CEMETERY TO WOODLAND HEIGHTS ORGANIZATION FOR \$1000.00

WHEREAS, on November 2, 2017, the City of Des Moines Plan and Zoning Commission recommended approval of a request from Woodland Heights Organization for the vacation of a portion of Martin Luther King, Jr. Parkway right of way located east of and adjoining Woodland Cemetery for placement of a neighborhood monument sign; and

WHEREAS, the City's Real Estate Division has negotiated a Lease Agreement with Woodland Heights Organization, which Agreement will include, among other terms, a twenty year lease term commencing on December 4, 2017, with an annual lease payment of fifty dollars (\$50.00), for a total payment of \$1,000.00, which amount reflects the fair market value of the leased area as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the portion of Martin Luther King, Jr. Parkway right-of-way proposed to be vacated and leased, and the City will not be inconvenienced by the vacation and lease 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 a portion of Martin Luther King, Jr. Parkway right of way located east of and adjoining Woodland Cemetery, legally described as follows:

A PART OF LOTS 4 AND 5, BLOCK D, KUHN'S ADDITION, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 15, STEWART'S AND BECKINGTON'S SUBDIVISION, AN OFFICIAL PLAT; THENCE SOUTH 89°40'17" EAST ALONG THE SOUTH LINE OF SAID STEWART'S AND BECKINGTON'S SUBDIVISION, 275.86 FEET TO THE NORTHWEST CORNER OF LOT 6, SAID BLOCK D; THENCE SOUTH 89°40'17" EAST ALONG THE NORTH LINE OF SAID LOTS 6 AND 5, BLOCK D, 77.03 FEET; THENCE SOUTH 0°19'43" WEST, 80.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 84°09'23" EAST, 25.00 FEET; THENCE SOUTH 5°50'37" WEST, 20.00 FEET; THENCE NORTH 84°09'23" WEST, 25.00 FEET; THENCE NORTH 5°50'37" EAST, 20.00 TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (500 S.F.).

2. The City Council of the City of Des Moines, Iowa, further proposes to lease the portion of Martin Luther King, Jr. Parkway right of way located east of and adjoining Woodland Cemetery, as legally described above and to Woodland Heights Organization for \$1,000.00, subject to any and all easements, restrictions and covenants of record:



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3. That the meeting of the City Council at which the adoption of said ordinance and the approval of such lease of the vacated right-of-way is to be considered shall be on December 4, 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 and lease proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Coleman 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			
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