



Roll Call Number

17-2103

Agenda Item Number

52

Page 1

Date December 4, 2017

HOLD 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 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 determined 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; and

WHEREAS, on November 20, 2017, by Roll Call No. 17-1953, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and lease of the portion of Martin Luther King, Jr. Parkway right-of-way be set for hearing on December 4, 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 lease the portion of Martin Luther King, Jr. Parkway 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 lease, 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and lease of a portion of Martin Luther King, Jr. Parkway right-of-way located east of and adjoining Woodland Cemetery, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the portion of Martin Luther King, Jr. Parkway right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a



Date December 4, 2017

portion of Martin Luther King, Jr. Parkway right-of-way located east of and adjoining Woodland Cemetery, legally described as follows, and said vacation is hereby approved:

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.).

3. The proposed lease of such vacated Martin Luther King, Jr. Parkway right-of-way, as legally described above to Woodland Heights Organization for \$1,000.00, subject to any and all easements, restrictions and covenants of record, is hereby approved.
4. The Mayor is authorized and directed to sign the Lease Agreement 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 Lease Agreement, 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 Lease Agreement, 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 Lease Agreement and a copy of the other documents to the Lessee.
8. Non-project related land sale and lease proceeds are used to support general operating budget expenses: Org – EG064090.



Roll Call Number

17-2103

Agenda Item Number

52

Page 3

Date December 4, 2017

(Council Communication No. 17-830)

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			

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk