



Roll Call Number

18-0765

Agenda Item Number

19

Date May 7, 2018

SET HEARING FOR VACATION AND CONVEYANCE OF THE EAST-WEST ALLEY RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 304 EAST WALNUT STREET TO 201 EAST LOCUST, LLC FOR \$21,000.00

WHEREAS, on April 19, 2018, the City of Des Moines Plan and Zoning Commission, voted to recommend approval of a request from 201 East Locust, LLC, owner of the property at 304 East Walnut Street, to vacate the east/west alley right-of-way located north of and adjoining 304 East Walnut Street, Des Moines, Iowa (hereinafter "City Right-of-Way"); and

WHEREAS, 201 East Locust, LLC, owner of 304 East Walnut Street and 307 East 3rd Street, has offered to the City of Des Moines ("City") the purchase price of \$21,000.00 for the vacation and purchase of said City Right-of-Way, for assemblage with the adjoining commercial properties, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated; and further subject to the requirement that any future use of the vacated right-of-way be in accordance with all Site Plan policies, such as the design guidelines applicable in the C-3B and D-O Districts or any applicable zoning that may be adopted, and further subject to review by all applicable boards and commissions, as determined by the City's Planning Administrator, including but not limited to the City's Plan and Zoning Commission, the City's Urban Design Review Board, and the Des Moines City Council, which price reflects the fair market value of the City Right-of-Way as determined by an independent appraisal; and

WHEREAS, there is no known current or future public need or benefit for the City Right-of-Way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east-west alley right-of-way located north of and adjoining 304 East Walnut Street, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated; and further subject to the requirement that any future use of the vacated right-of-way be in accordance with all Site Plan policies, such as the design guidelines applicable in the C-3B and D-O Districts or any applicable zoning that may be adopted, and further subject to review by all applicable boards and commissions, as determined by the City's Planning Administrator, including but not limited to the City's Plan and Zoning Commission, the City's Urban Design Review Board, and the Des Moines City Council:

ALL OF THE EAST-WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 1 THROUGH 6, STEWART AND HUEGLES SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,056 SQUARE FEET.

SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.



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2. That if the City Council decides to vacate the above described right-of-way, the City further proposes to sell such vacated right-of-way, as legally described below, to 201 East Locust, LLC for \$21,000.00, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated; and further subject to the requirement that any future use of the vacated right-of-way be in accordance with all Site Plan policies, such as the design guidelines applicable in the C-3B and D-O Districts or any applicable zoning that may be adopted, and further subject to review by all applicable boards and commissions, as determined by the City's Planning Administrator, including but not limited to the City's Plan and Zoning Commission, the City's Urban Design Review Board, and the Des Moines City Council:

ALL OF THE VACATED EAST-WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 1 THROUGH 6, STEWART AND HUEGLES SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,056 SQUARE FEET.

SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of said City Right-of-Way is to be considered shall be on May 21, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org -- EG064090.

Moved by Gray to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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.

Mayor signature: T. M. Franklin

City Clerk signature: Diane Rauh