



Roll Call Number

18-0983

Agenda Item Number

25

Date June 11, 2018

**SET HEARING FOR VACATION OF A PORTION OF 14<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1400 WALNUT STREET, AND CONVEYANCE TO 14 WALNUT LLC FOR \$1,000.00**

WHEREAS, on May 21, 2018, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission to approve a request from 14 Walnut LLC (owner), represented by Brian Roers (officer) for vacation of 14<sup>th</sup> Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street ("Property") to accommodate private access and loading for the adjoining mixed use building located at 1400 Walnut Street subject to the following conditions:

- Reservation of all necessary easements for all existing utilities in place shall be provided until such time they are abandoned or are relocated; and
- Provision of a public access easement allowing vehicle and pedestrian traffic to utilize the route; and
- Provision of any curbing and/or barriers determined necessary by the City Engineer; and
- The brick surface within the vacated right-of-way shall be maintained by 14 Walnut LLC;

And;

WHEREAS, 14 Walnut LLC has offered to the City of Des Moines, Iowa, the purchase price of \$1,000.00 for the purchase of said Property in order to provide private access and loading for the adjoining mixed use building located at 1400 Walnut Street, which price reflects the restricted-use fair market value of said Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold, subject to reservation of easements therein, 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, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating 14th Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street, Des Moines, Iowa legally described as follows:

ALL OF THE 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 16°02'13" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET, 133.42 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 30.00 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-



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WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 15°50'11" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 133.38 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE NORTH 74°11'27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated excess street right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein, subject to a public access easement, subject to a building setback easement, subject to the City Engineer's requirement of any necessary curbing and/or barrier, and subject to the requirement that grantee maintain the brick surface within said vacated right-of-way:

Grantee: 14 Walnut LLC

Consideration: \$1,000.00

Legal Description: ALL OF THE VACATED 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 16°02'13" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET, 133.42 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 30.00 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 15°50'11" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 133.38 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE NORTH 74°11'27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such excess street right-of-way is to be considered shall be on June 25, 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. 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 proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

[Signature of Lisa A. Wieland]

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

[Signature of Mayor 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.

[Signature of Diane Rauh]

City Clerk