

Date June 25, 2018

HOLD HEARING FOR VACATION OF A PORTION OF 14TH 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 14th 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 fair market value of said Property as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated and sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on June 11, 2018, by Roll Call No. 18-0983, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on June 25, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey 14th Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street, was given to all necessary parties 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 conveyance, 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:



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18-1107

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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of 14th Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said street right-of-way, legally described as follows, and said vacation is hereby approved:

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-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. The proposed sale of such vacated street right-of-way, as legally described below 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, is hereby approved:

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;

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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.).

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance 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 Quit Claim Deed, 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 Quit Claim Deed, 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 Quit Claim Deed and a copy of the other documents to the grantees.

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

(Council Communication No. 18-334)

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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

7. M. Franklin Council 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