



**Roll Call Number**

18-1750

**Agenda Item Number**

22

**Date** October 22, 2018

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST-WEST ALLEY RIGHT-OF-WAY AND THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED NORTH OF GRAND AVENUE AND SOUTH OF INGERSOLL AVENUE BETWEEN 15<sup>TH</sup> STREET AND 16<sup>TH</sup> STREET AND CONVEYANCE TO 15<sup>TH</sup> AND GRAND PROPERTIES, LLC FOR \$170,000.00**

**WHEREAS**, on April 23, 2018, by Roll Call No. 18-0679, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request from 15<sup>th</sup> and Grand Properties, LLC, owner of 1501, 1511 and 1519 Grand Avenue, and 515 16<sup>th</sup> Street, to vacate the east-west and north-south alley segments in the block bounded by Ingersoll Avenue, 15<sup>th</sup> Street, Grand Avenue and 16<sup>th</sup> Street, and adjoining 1501, 1511 and 1519 Grand Avenue, and 515 16<sup>th</sup> Street, Des Moines, Iowa (hereinafter "City Right-of-Way"), 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 condition that any conveyance of the vacated right-of-way be subject to approval of a redevelopment plan by City Council; and

**WHEREAS**, 15<sup>th</sup> and Grand Properties, LLC, owner of 1501, 1511 and 1519 Grand Avenue, and 515 16<sup>th</sup> Street, has offered to the City of Des Moines ("City") the purchase price of \$170,000.00 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 all redevelopment of the City Right-of-Way shall be subject to approval of a redevelopment plan by the City Council, and shall be in accordance with all City of Des Moines Site Plan policies and design guidelines in C-3A and D-O zoning districts, or any applicable zoning that may be adopted, and shall be 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 purchase 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 and the north-south alley right-of-way located north of Grand Avenue and south of Ingersoll Avenue between 15<sup>th</sup> Street and 16<sup>th</sup> Street, and adjoining 1501, 1511 and 1519 Grand Avenue, and 515 16<sup>th</sup> 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:

PART OF THE EAST/WEST ALLEY RIGHT OF WAY AND PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY, IN BLOCK 45 OF LYON'S ADDITION TO FORT DES MOINES, POLK COUNTY, IOWA, AN



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OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 IN SAID BLOCK 45; THENCE NORTHEASTERLY ALONG THE NORTH RIGHT OF WAY LINE OF SAID EAST/WEST ALLEY TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 7 IN SAID BLOCK 45; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY EXTENSION TO THE SOUTH RIGHT OF WAY LINE OF SAID EAST/WEST ALLEY; THENCE SOUTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 4 OF THE OFFICIAL PLAT OF LOT 6 BLOCK 45 J. LYON'S ADDITION; THENCE CONTINUING SOUTHWESTERLY ALONG THE EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2 FEET; THENCE SOUTHEASTERLY ALONG A LINE THAT IS 2 FEET WEST AND PARALLEL TO THE WEST LINE OF SAID LOT 4 TO THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 7 FEET OF SAID LOT 4; THENCE SOUTHWESTERLY ALONG SAID SOUTHWESTERLY EXTENSION OF SAID NORTH LINE OF THE SOUTH 7 FEET OF SAID LOT 4 TO THE EAST LINE OF LOT 5 OF THE OFFICIAL PLAT OF LOTS 4-5 BLOCK 45 J. LYON'S ADDITION; THENCE NORTHWESTERLY ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE CONTINUING ALONG THE NORTHWESTERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 3 FEET; THENCE SOUTHWESTERLY ALONG A LINE THAT IS 3 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF LOTS 5 THROUGH 11 OF SAID OFFICIAL PLAT OF LOTS 4-5 BLOCK 45 J. LYON'S ADDITION TO THE WEST LINE OF SAID BLOCK 45; THENCE NORTHWESTERLY ALONG SAID WEST LINE TO POINT OF BEGINNING; AND CONTAINING APPROXIMATELY 4956 SQUARE FEET.

SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

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 15<sup>th</sup> and Grand Properties, LLC for \$170,000.00, 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 all redevelopment of the City Right-of-Way shall be subject to approval of a redevelopment plan by the City Council, and shall be in accordance with all City of Des Moines Site Plan policies and design guidelines in C-3A and D-O zoning districts, or any applicable zoning that may be adopted, and shall be 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:

PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY AND PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY, IN BLOCK 45 OF LYON'S ADDITION TO FORT DES MOINES, POLK COUNTY, IOWA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 IN SAID BLOCK 45; THENCE NORTHEASTERLY ALONG THE NORTH RIGHT OF WAY LINE OF SAID EAST/WEST ALLEY TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 7 IN SAID BLOCK 45; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY EXTENSION TO THE SOUTH RIGHT OF WAY LINE OF SAID EAST/WEST ALLEY; THENCE SOUTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 4 OF THE OFFICIAL PLAT OF LOT 6 BLOCK 45 J. LYON'S ADDITION; THENCE CONTINUING SOUTHWESTERLY ALONG THE EXTENSION OF SAID SOUTH RIGHT OF WAY LINE, A



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DISTANCE OF 2 FEET; THENCE SOUTHEASTERLY ALONG A LINE THAT IS 2 FEET WEST AND PARALLEL TO THE WEST LINE OF SAID LOT 4 TO THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 7 FEET OF SAID LOT 4; THENCE SOUTHWESTERLY ALONG SAID SOUTHWESTERLY EXTENSION OF SAID NORTH LINE OF THE SOUTH 7 FEET OF SAID LOT 4 TO THE EAST LINE OF LOT 5 OF THE OFFICIAL PLAT OF LOTS 4-5 BLOCK 45 J. LYON'S ADDITION; THENCE NORTHWESTERLY ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE CONTINUING ALONG THE NORTHWESTERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 3 FEET; THENCE SOUTHWESTERLY ALONG A LINE THAT IS 3 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF LOTS 5 THROUGH 11 OF SAID OFFICIAL PLAT OF LOTS 4-5 BLOCK 45 J. LYON'S ADDITION TO THE WEST LINE OF SAID BLOCK 45; THENCE NORTHWESTERLY ALONG SAID WEST LINE TO POINT OF BEGINNING; AND CONTAINING APPROXIMATELY 4956 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 November 5, 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.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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