



Roll Call Number

18-1860

Agenda Item Number

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Date November 5, 2018

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HOLD 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 15TH STREET AND 16TH STREET AND CONVEYANCE TO 15TH 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 15th and Grand Properties, LLC, owner of 1501, 1511 and 1519 Grand Avenue, and 515 16th Street, to vacate the east-west and north-south alley segments in the block bounded by Ingersoll Avenue, 15th Street, Grand Avenue and 16th Street, and adjoining 1501, 1511 and 1519 Grand Avenue, and 515 16th 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, 15th and Grand Properties, LLC, owner of 1501, 1511 and 1519 Grand Avenue, and 515 16th 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; and

WHEREAS, on October 22, 2018, by Roll Call No. 18-1750, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on November 5, 2018, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City Right-of-Way 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 of the City of Des Moines, Iowa.



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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 conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the 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 15th Street and 16th Street, and adjoining 1501, 1511 and 1519 Grand Avenue, and 515 16th Street, Des Moines, Iowa, as legally described below, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and said vacation is hereby approved:

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 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.

3. The proposed sale of such vacated right-of-way, as legally described below, to 15th and Grand Properties, LLC for \$170,000.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, 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



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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, is hereby approved:

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 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.

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.



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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 copies 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. 18-545)

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

RW

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

J. M. Frankin 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