

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF BRIDAL ROW RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 1501 WOODLAND AVENUE AND CONVEYANCE TO HOYT SHERMAN PLACE FOUNDATION FOR \$3,175.00**

**WHEREAS**, on December 3, 2018, by Roll Call No. 18-1989, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the Plan and Zoning Commission recommending approval of a request from Hoyt Sherman Place Foundation, owner of Hoyt Sherman Place located at 1501 Woodland Avenue, to vacate an irregular segment of Bridal Row right-of-way adjoining 1501 Woodland Avenue, Des Moines, Iowa, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place.
2. The provision by the owner of necessary public improvements for public street re-alignment and public sidewalks; and

**WHEREAS**, Hoyt Sherman Place Foundation, owner of 1501 Woodland Avenue, has offered to the City of Des Moines ("City") the purchase price of \$3,175.00 for the purchase of the irregular segment of Bridal Row right-of-way lying north of and adjoining 1501 Woodland Avenue (hereinafter "Property"), to allow for realignment of the driveway access to the adjoining parcel as part of a venue expansion and to facilitate pedestrian access to the property from Bridal Row, which price reflects the fair market value of the 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 provision by the owner of necessary public improvements for public street re-alignment and public sidewalks, and the City will not be inconvenienced by the vacation and sale of said Property; and

**WHEREAS**, on January 14, 2019, by Roll Call No. 19-0041, 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 January 28, 2019, 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 the irregular segment of Bridal Row right-of-way lying north of and adjoining 1501 Woodland Avenue, Des Moines, Iowa, 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:



**Date** January 28, 2019

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the irregular segment of Bridal Row right-of-way lying north of and adjoining 1501 Woodland Avenue, as described herein, are hereby overruled and the hearing is closed.

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

A PART OF BRIDAL ROW RIGHT OF WAY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 8 OF SHERMAN PLACE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF LOT 7, SAID SHERMAN PLACE; THENCE NORTH 00°23'01" WEST ALONG SAID EAST LINE, 44.00 FEET TO THE SOUTHEAST CORNER OF THE NORTH 6.00 FEET OF SAID LOT 8; THENCE SOUTH 45°32'54" EAST, 62.05 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 7; THENCE SOUTH 89°17'12" WEST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE, 44.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (968 SQUARE FEET).

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein and further subject to the provision by the owner of necessary public improvements for public street re-alignment and public sidewalks, is hereby approved:

Grantee: Hoyt Sherman Place Foundation

Consideration: \$3,175.00

Legal Description: A PART OF VACATED BRIDAL ROW RIGHT OF WAY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 8 OF SHERMAN PLACE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7, SAID SHERMAN PLACE; THENCE NORTH 00°23'01" WEST ALONG SAID EAST LINE, 44.00 FEET TO THE SOUTHEAST CORNER OF THE NORTH 6.00 FEET OF SAID LOT 8; THENCE SOUTH 45°32'54" EAST, 62.05 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 7; THENCE SOUTH 89°17'12" WEST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE, 44.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (968 SQUARE FEET).

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



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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.

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			

J. M. Grantham 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