

★ Roll Call Number

19-D157

Agenda Item Number

42B ✓

Page 1

Date January 28, 2019

HOLD HEARING FOR VACATION OF ALLEY RIGHT-OF-WAY ADJOINING 101, 107 AND 111 JEFFERSON AVENUE, AND FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 111 JEFFERSON AVENUE TO 111 JEFFERSON AVE, LLC FOR COMMERCIAL REDEVELOPMENT WITHIN THE CENTRAL PLACE INDUSTRIAL PARK FOR \$43,500

WHEREAS, on May 20, 1985, by Roll Call No. 85-2388, the City Council of the City of Des Moines approved the Central Place Industrial Park Redevelopment Program Urban Renewal Plan, and such Plan has been amended 15 times (the urban renewal plan so amended is herein referred to as the "Plan"), bounded on the north and east by the Des Moines River, on the west by 2nd Avenue, and on the south by University Avenue; and

WHEREAS, City staff and 111 Jefferson Ave, LLC ("Buyer") have negotiated terms relating to the sale of City-owned property locally known as 111 Jefferson Avenue and adjoining right-of-way ("Property") and located in the Central Place Industrial Park, for the purchase price of \$43,500.00 for commercial redevelopment, which price equals fair market value for the Property as determined by the City's Real Estate Division; and

WHEREAS, the proposed use of the Property is for a regional office facility for the multistate business, Commonwealth Electric Company, as a tenant of the Property; and

WHEREAS, the Offer to Purchase, as on file in the office of the City Clerk, includes the option for Buyer to receive a closing credit toward the purchase price in the lesser of \$20,000.00 or the amount of the lowest of three bids estimating the cost of environmental remediation on the site, if applicable, and the conditions precedent to closing of City site plan approval, commercial tax abatement review, and Urban Design Review Board recommendation of approval of a Conceptual Development Plan showing the proposed improvements on the Property; and

WHEREAS, on January 28, 2019, by Roll Call No. _____, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 17, 2019, its members voted 8-0 in support of a motion to recommend approval of a City-initiated request to vacate the east/west alley right-of-way located north of and adjoining 101, 107 and 111 Jefferson Avenue, between Franklin Avenue and Jefferson Avenue from Ohio Street to its terminus 410 feet to the west, to allow the undeveloped alley to be assembled with the adjoining parcels, subject to conditions stated in said roll call; and

WHEREAS, the City has no known current or anticipated public need for the right-of-way proposed to be vacated, or for the Property proposed to be sold, and the City will not be inconvenienced by the vacation of such alley right-of-way or the sale of the Property; and

WHEREAS, on January 14, 2019, by Roll Call No. 19-0037, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the alley right-of-way and the proposed conveyance of the Property be set for hearing on January 28, 2019, at 5:00 p.m., in the City Council



Roll Call Number

19-0157

Agenda Item Number

42B ✓

Date January 28, 2019

Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate the east-west alley right-of-way located north of and adjoining 101, 107, and 111 Jefferson Avenue, Des Moines, Iowa, and of the proposal to convey the real property locally known as 111 Jefferson Avenue, Des Moines, Iowa, to 111 Jefferson Ave LLC, 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of the east/west alley right-of-way located north of and adjoining 101, 107, and 111 Jefferson Avenue, Des Moines, Iowa, and to the proposed conveyance of 111 Jefferson Avenue, Des Moines, Iowa, 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:

ALL OF THE EAST-WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 17 THROUGH 24, BLOCK 3, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The proposed sale of the real property locally known as 111 Jefferson Avenue, Des Moines, Iowa, as legally described below, and to the grantee and for the consideration identified below, subject to the restrictions and conditions set forth above and in the Offer to Purchase, is hereby approved:

Grantee: 111 Jefferson Avenue, LLC
Consideration: \$43,500.00

Legal Description: LOTS 17 THROUGH 21, BLOCK 3, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 30,635 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.



Roll Call Number

19-0157

Agenda Item Number

42B ✓

Page 3

Date January 28, 2019

- 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. The land sale proceeds for this transaction shall be deposited into the Central Place Industrial Park Urban Renewal Account.

(Council Communication No. 19- 034)

MOVED BY Gray TO ADOPT.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, 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