



Roll Call Number

19-0360

Agenda Item Number

20

Date March 11, 2019

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED BETWEEN SOUTHWEST 1<sup>ST</sup> STREET AND SOUTHWEST 2<sup>ND</sup> STREET FROM EDISON AVENUE TO COLUMBUS AVENUE AND CONVEYANCE TO CS FAMILY PROPERTIES, LLC FOR \$5,544.00**

**WHEREAS**, on December 17, 2018, by Roll Call No. 18-2068, 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 CS Family Properties, LLC, to vacate the north-south alley right-of-way located between Southwest 1st Street and Southwest 2nd Street from Edison Avenue to Columbus Avenue and adjoining 1900, 1904, 1912, and 1914 Southwest 1<sup>st</sup> Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities until such time that they are abandoned or relocated at the expense of a developer as part of any redevelopment of the property; and

**WHEREAS**, CS Family Properties, LLC, owner of 1900, 1904, 1912, and 1914 Southwest 1<sup>st</sup> Street, has offered to the City of Des Moines ("City") the purchase price of \$5,544.00 for the purchase of the north-south alley right-of-way located between Southwest 1st Street and Southwest 2nd Street from Edison Avenue to Columbus Avenue (hereinafter "Property"), to allow for assemblage with adjoining properties for redevelopment with a senior living apartments project, 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 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:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the north-south alley right-of-way located between Southwest 1st Street and Southwest 2nd Street from Edison Avenue to Columbus Avenue and adjoining 1900, 1904, 1912, and 1914 Southwest 1<sup>st</sup> Street, Des Moines, Iowa legally described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY IN BLOCK 5 OF VAN'S ADDITION TO SOUTH DES MOINES, 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 NORTHEAST CORNER OF LOT 2 IN SAID BLOCK 5; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 5; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORHTEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.07 ACRES (2,918 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein:



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Grantee: CS Family Properties, LLC

Consideration: \$5,544.00

Legal Description: ALL THAT PART OF VACATED NORTH/SOUTH ALLEY IN BLOCK 5 OF VAN'S ADDITION TO SOUTH DES MOINES, 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 NORTHEAST CORNER OF LOT 2 IN SAID BLOCK 5; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 5; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORHTEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.07 ACRES (2,918 SQUARE FEET).

- That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such alley right-of-way is to be considered shall be March 25, 2019, 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.
- That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
- Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

**APPROVED AS TO FORM:**

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN				✓
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

**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

J. M. Franke Mayor