



Date September 9, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING 901 WALNUT STREET AND LEASE TO DES MOINES COMMUNITY SCHOOL DISTRICT

WHEREAS, on July 15, 2019, by Roll Call No. 19-1096, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission of a request from Des Moines Public Schools to vacate a segment of east-west alley right-of-way adjoining and immediately north of 901 Walnut Street, between 9th Street and 10th Street, to allow for placement of access control gates, subject to the reservation of easements for all existing utilities, and that all parcels in the vicinity owned by the applicant must be combined and recorded with Polk County; and

WHEREAS, the City's Real Estate Division has negotiated a Lease Agreement with Des Moines Independent Community School District, aka Des Moines Public Schools (hereinafter "Lessee"), for lease of the vacated east-west alley right-of-way adjoining and immediately north of 901 Walnut Street, between 9th Street and 10th Street (hereinafter "Leased Premises"), which Agreement will include, among other terms, a twenty-year lease term, no consideration in accordance with Iowa Code 364.7(3), and additional consideration including the following:

- 1. All ongoing maintenance and repair of the Leased Premises including snow and ice removal, surface repairs and re-paving as needed, as determined by the CITY; and

WHEREAS, Lessee has already combined all parcels owned by Lessee in the vicinity, thereby satisfying the second condition from the City's Planning and Zoning Commission; and

WHEREAS, there is no known current or future public need for the east-west alley right-of-way adjoining and immediately north of 901 Walnut Street proposed to be vacated and leased, and the City will not be inconvenienced by the vacation and lease of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 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 adjoining and immediately north of 901 Walnut Street, between 9th Street and 10th Street, legally described as follows:

ALL OF THE EAST/WEST ALLEY IN BLOCK 5, WEST FORT 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 0.11 ACRES (4,660 SQUARE FEET).

- 2. The City Council of the City of Des Moines, Iowa, further proposes to lease the vacated alley right-of-way, as legally described and to the Lessee and for no consideration in accordance with Iowa Code 364.7(3), subject to reservation of easements therein:

Grantee: Des Moines Independent Community School District



Roll Call Number

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Legal Description: ALL OF THE VACATED EAST/WEST ALLEY IN BLOCK 5, WEST FORT 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 0.11 ACRES (4,660 SQUARE FEET).

- 3. That the meeting of the City Council at which the adoption of said ordinance and the approval of such lease of the vacated right-of-way is to be considered shall be on September 23, 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.
4. 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.
5. There are no proceeds associated with this conveyance.

Moved by Boesen to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

EW

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (YEAS: 7).

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.

M. Frank Cownie, Mayor

Diane Rauh, City Clerk