



Roll Call Number

19-1482

Agenda Item Number

17

Date September 23, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF 7TH STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1233 7TH STREET AND CONVEYANCE TO ANAWIM A/K/A ANAWIM HOUSING FOR \$1.00

WHEREAS, on September 19, 2019, the City Plan and Zoning Commission voted to recommend approval of a City-initiated request to vacate an irregular-shaped segment of 7th Street right-of-way south of Indiana Avenue (hereinafter "Property") to allow it to be assembled with existing adjoining property located at 1233 7th Street, Des Moines, Iowa, subject to the following conditions:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense;
 - (2) Reservation of a public pedestrianway easement across a portion of the vacated right-of-way;
- and

WHEREAS, Anawim a/k/a Anawim Housing, an Iowa non-profit corporation, owner of 1233 7th Street, has offered to the City of Des Moines ("City") the purchase price of \$1.00, and other good and valuable consideration including all future maintenance and repair of, and snow removal from, the public pedestrianway to be located on the Property, for the purchase of the Property, to allow it to assemble the Property with its adjoining property in order to construct fencing and otherwise control access to 1233 7th Street, and further subject to the restrictions from the City Plan and Zoning Commission; which price reflects the restricted fair market value 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 the conditions stated above, 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 an irregular-shaped segment of 7th Street right-of-way south of Indiana Avenue, Des Moines, Iowa, legally described as follows:

A PART OF 7TH STREET RIGHT OF WAY BEING IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND LYING WEST OF AND ADJOINING LOT 9, GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 44°(DEGREES) 55'(MINUTES) 10"(SECONDS) WEST, 70.78 FEET TO THE NORTHEAST CORNER OF LOT 84, NORTH PARK, AN OFFICIAL PLAT; THENCE SOUTH 89°48'06" EAST, 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 0°01'27" WEST ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 49.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1249 SQ. FT.)

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2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated street right-of-way, as legally described and to the grantees and for the consideration identified below, subject to the following conditions:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense;
- (2) Reservation of a public pedestrianway easement across a portion of the vacated right-of-way

Grantee: Anawim a/k/a Anawim Housing

Consideration: \$1.00 and other good and valuable consideration including all future maintenance and repair of, and snow removal from, the public pedestrianway to be located on the Property

Legal Description: A PART OF VACATED 7TH STREET RIGHT OF WAY BEING IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND LYING WEST OF AND ADJOINING LOT 9, GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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3. That the meeting of the City Council at which the adoption of said ordinance and the vacation and conveyance of such street right-of-way is to be considered shall be October 14, 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Coleman 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	7			

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