



Roll Call Number

Agenda Item Number

19-1649

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Date October 14, 2019

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF 7<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1233 7<sup>TH</sup> 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 7<sup>th</sup> 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) Provision 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 7<sup>th</sup> 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 7<sup>th</sup> Street, subject to the conditions set forth above; 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 reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property; and

**WHEREAS**, on July 15, 2019, by Roll Call No. 19-1483, 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 October 14, 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 said the irregular-shaped segment of 7<sup>th</sup> Street right-of-way south of Indiana Avenue 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 of said street right-of-way, 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 October 14, 2019

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of an irregular-shaped segment of 7<sup>th</sup> Street right-of-way south of Indiana 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 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.)

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 the following conditions, is hereby approved:

- (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) Provision 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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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 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 grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

Moved by Gray 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			

MOTION CARRIED APPROVED

J. M. Frankhu Cownie Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, Acting 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.

Laura Baumgartner Acting City Clerk