

Date June 19, 2006

RESOLUTION CLOSING HEARING ON PROPOSED ALLEY VACATION
AND APPROVING SAME

WHEREAS, on April 24, 2006, the City Council received and filed Council Communication No. 06-235 regarding the City's economic development assistance to the proposed redevelopment of the site of the Hotel Fort Des Moines parking garage at the southeast corner of 10th and Walnut Streets with a new 13-story building to be known as the Davis Tower, containing a mix of retail/restaurant use, structured parking and office space, and directed the City Manager to proceed with negotiations towards a preliminary and final agreement for further consideration by the City Council; and,

WHEREAS, Principiant Hotel Company, L.C., represented by Jeffrey Hunter, Manager, has requested the vacation of the north/south alley adjoining the redevelopment site and more specifically described below; and,

WHEREAS, on June 1, 2006, the City Plan and Zoning Commission voted 11-0 in support of a motion to recommend approved of a request from Principiant Hotel Company, L.C. (owner), represented by Jeffrey Hunter (officer), for vacation and conveyance of the entire remaining north/south alley between 9th Street and 10th Street from Walnut Street to Mulberry Street subject to the following conditions:

1. Exclusion of the northern portion of the alley for the skywalk system.
2. Reservation of easements for all existing utilities.
3. Submission of a site plan in accordance with the City's Site Plan and Landscaping Policies.

WHEREAS, on June 5, 2006, by Roll Call No. 06-1095, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on June 19, 2006, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to vacate public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, Principiant Hotel Company, L.C., has now amended its request to limit the vacation to the west six feet of the alley, leaving a 14.5 foot north/south public alley, and this amendment is supported by the City staff; NOW, THEREFORE,

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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, the objections to said proposed vacation of public right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the West 6.0 feet of the North/South alley right-of-way in the block bounded by 9th, 10th, Walnut and Mulberry Streets, more specifically described as follows:

The West 6.0 feet of the East 12.0 feet of Lot 6, except the North 19.40 feet thereof, in John A. Garver's Subdivision of Lots 5 and 6, in Block 2, in West Fort Des Moines, an Official Plat; and, the East/West alley right-of-way lying South of and adjoining the West 6.0 feet of the East 12.0 feet of said Lot 6; and, the West 6.0 feet of the East 12.0 feet of Lot 7, in Block 2, in West Fort Des Moines, an Official Plat; and, the West 6.0 feet of the East 12.0 feet of Lots 7 and 8, in Block 12, in H.M. Hoxie's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

MOVED by _____ to adopt and approve the vacation, subject to final passage of the vacation ordinance.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

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.

MOTION CARRIED

APPROVED

 Mayor

 City Clerk