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Date December 4, 2006

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY EXTENDING WEST FROM EAST 30TH STREET BETWEEN EAST GRAND AND EAST CAPITOL AVENUES, AND THE NORTH 25 FEET OF A SEGMENT OF CAPITOL AVENUE EXTENDING WEST FROM EAST 30TH STREET, TO NEIGHBORHOOD DEVELOPMENT CORPORATION FOR \$4,800

WHEREAS, on September 25, 2006, by Roll Call No. 06-1878, the City Council approved the preliminary terms of an agreement with Neighborhood Development Corporation for the construction of a new hotel at East 30th Street and East Grand Avenue. As part of the preliminary terms, the City agreed that upon any sale of vacated right-of-way needed for the project, the City would sell the land for one-half of the fair market value, with the balance to be treated as an Economic Development Grant to the project.

WHEREAS, on October 23, 2006, by Roll Call No. 06-2087, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of the East/West alley extending West from East 30th Street between East Grand and East Capitol Avenues, hereinafter more fully described, be vacated and sold; and

WHEREAS, on November 6, 2006, by Roll Call No. 06-2175, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North 25 feet of a segment of Capitol Avenue extending West from East 30th Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of property abutting such rights-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such rights-of-way described below; and

WHEREAS, on November 20, 2006, by Roll Call No. 06-2294, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on December 4, 2006, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public rights-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 and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public rights-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a portion of the East/West alley extending West from East 30th Street between East Grand and East Capitol Avenues, and the North 25 feet of a segment of Capitol Avenue extending West from East 30th Street, more specifically described as follows:

East/West Alley

Except the East 4.5 feet, all the East/West alley right-of-way lying North of and adjoining Lots 1, 2, 3 and 4, Block 1, Elbert and York's Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Capitol Avenue

The North 25.0 feet of the Capitol Avenue right-of-way lying South of and adjoining Lots 1, 2, 3 and 4, Block 1, Elbert and York's Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such rights-of-way, as described below, to Neighborhood Development Corporation for \$4,800, plus grantee's agreement to construct a 69 room hotel on the property, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

East/West Alley

Except the East 4.5 feet, all the vacated East/West alley right-of-way lying North of and adjoining Lots 1, 2, 3 and 4, Block 1, Elbert and York's Addition to Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Capitol Avenue

The vacated North 25.0 feet of the Capitol Avenue right-of-way lying South of and adjoining Lots 1, 2, 3 and 4, Block 1, Elbert and York's Addition to Grand Park,

DESCRIPTION REVIEWED
James J. [Signature]
11/14/06 12:07

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an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyances identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said rights-of-way and 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 said 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 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 copies of the other documents to the grantees.

8. The proceeds from the sale of this property will be deposited into the following account: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

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(Council Communication No. 06-754)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

RDW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ 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.

_____ City Clerk