

★ Roll Call Number

14-0176

Agenda Item Number

47

Date January 27, 2014

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF
INGERSOLL AVENUE RIGHT-OF-WAY ADJOINING
525 17TH STREET TO ARTISAN ROW, LLC IN EXCHANGE FOR
A COMPARABLE PARCEL OF LAND ADJOINING 1623 GRAND AVENUE**

WHEREAS, on December 13, 2013, by Roll Call No. 13-1962, City Council received a recommendation from the City Plan and Zoning Commission regarding vacation of an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th Street and 17th Street, which right-of-way is north of and adjacent to the real property locally known as 525 17th Street, more particularly described below (hereinafter "City Right-of-Way"); and

WHEREAS, Artisan Row, LLC is purchasing the property located at 525 17th Street and has requested that the City Right-of-Way be vacated and conveyed to Artisan Row, LLC in order for the parcel to be incorporated into 525 17th Street and proposed development thereon; and

WHEREAS, Artisan Row, LLC and the City of Des Moines have negotiated a Land Exchange Agreement whereby the City will vacate and convey the City Right-of-Way to Artisan Row, LLC, and in exchange will receive a comparable parcel of land located south of and adjoining the real property locally known as 1623 Grand Avenue (hereinafter "Grand Avenue Parcel"), which has been determined by the City's Real Estate Division to be comparable in value to the City Right-of-Way; and

WHEREAS, there is no known current or future public need or benefit for the City Right-of-Way proposed to be vacated and conveyed, the City and public will not be inconvenienced by the vacation and conveyance of said property, and the City will benefit from acquisition of the Grand Avenue Parcel; and

WHEREAS, on January 13, 2014, by Roll Call No. 14-0049, it was duly resolved by the City Council that the proposed conveyance be set down for hearing on January 27, 2014, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposed land exchange and conveyance of City-owned real property 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 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.

NOW, THEREFORE, 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, any and all objections to said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th Street and 17th Street and north of and adjacent to 525 17th Street, legally described as follows:



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Part of Lots 1 and 2 in Linden, an Official Plat; part of Lots 1, 2 and 3 in Block D of Subdivision of Lot No. 6 of the Pursley Estate, an Official Plat; and part of 16th Street and Ingersoll Avenue rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 1 in Block 46 of Lyon's Addition to Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence South 89°(degrees) 48'(minutes) 18"(seconds) West, 339.87 feet along the South lines of said Linden and Block D of Subdivision of Lot No. 6 of the Pursley Estate to its intersection with the present East right-of-way line of 17th Street; thence North 87°47'59" East, 330.90 feet; thence South 38°35'02" East, 14.77 feet to the point of beginning. Containing 1,968 square feet.

- 3. The proposed conveyance by land exchange of such vacated right-of-way, as legally described below, to Artisan Row, LLC, in exchange for conveyance by Artisan Row, LLC to the City of a comparable parcel of land located south of and adjoining the real property locally known as 1623 Grand Avenue, is hereby approved:

The vacated part of Lots 1 and 2 in Linden, an Official Plat; the vacated part of Lots 1, 2 and 3 in Block D of Subdivision of Lot No. 6 of the Pursley Estate, an Official Plat; and the vacated part of 16th Street and Ingersoll Avenue rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 1 in Block 46 of Lyon's Addition to Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence South 89°(degrees) 48'(minutes) 18"(seconds) West, 339.87 feet along the South lines of said Linden and Block D of Subdivision of Lot No. 6 of the Pursley Estate to its intersection with the present East right-of-way line of 17th Street; thence North 87°47'59" East, 330.90 feet; thence South 38°35'02" East, 14.77 feet to the point of beginning. Containing 1,968 square feet.

- 4. The Mayor is authorized and directed to sign the Land Exchange Agreement and, prior to closing, the Quit Claim Deed for the exchange as 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 said right-of-way the City Clerk is authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager for recording and closing purposes, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing.
- 6. The City Manager and/or his designee, the City's Real Estate Division Manager, is hereby authorized and directed to administer and monitor the Land Exchange Agreement to confirm compliance prior to closing; to approve and execute documents pertaining to minor or unsubstantial changes to said Agreement, following approval of the City's Legal Department as to form; and to proceed to closing in accordance with the terms set forth herein and in the Agreement.
- 7. There are no proceeds associated with this land exchange.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin 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