

★ Roll Call Number

14-0477

Agenda Item Number

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Date March 24, 2014

SET HEARING FOR VACATION AND CONVEYANCE OF WAGNER STREET AND THE NORTH/SOUTH ALLEY RIGHT-OF-WAY ADJOINING 100 5TH AVENUE, AND FOR CONVEYANCE OF A PORTION OF VACATED SOUTHWEST 6TH STREET, SOUTH OF CHERRY STREET, TO POLK COUNTY IN EXCHANGE FOR POLK COUNTY-OWNED PROPERTY REQUIRED FOR RELOCATED SOUTHWEST 6TH STREET

WHEREAS, on October 2, 2012, by Roll Call No. 12-1609, the City Council received a recommendation from the City Plan and Zoning Commission that Wagner Street from the north/south alley to 5th Avenue and a 132-foot segment of the north/south alley between 5th Avenue and 6th Avenue north of Vine Street ("City Right-of-Way"), hereinafter more fully described, be vacated for conveyance to the adjoining property owner, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated, reservation of an access easement for preservation of the existing access by the Thompson Trust for the off-street parking adjoining the west dead end of Wagner Street, and any development of the property to be approved by the Permit and Development Center under a Site Plan review in accordance with applicable design guidelines; and

WHEREAS, on February 7, 1898, the City Council passed Ordinance No. 895 vacating West 6th Street, later known as Southwest 6th Street, between Cherry Street and Vine Street; and

WHEREAS, the City of Des Moines ("City") is the owner of an excess parcel of such previously vacated Southwest 6th Street located along relocated Southwest 6th Street, south of Cherry Street ("City-owned Property"), that adjoins property owned by Polk County, Iowa ("Polk County"), locally known as Polk County District/Parcel No. 020/01192-005-000, which City-owned Property would be beneficial to Polk County for assemblage purposes; and

WHEREAS, Polk County is the current titleholder of a portion of such previously vacated Southwest 6th Street located south of Cherry Street ("Polk County-owned Property") that is required by the City for right-of-way purposes as part of relocated Southwest 6th Street; and

WHEREAS, City staff and Polk County have negotiated an exchange of the Polk County-owned Property for the City-owned Right-of-Way and City-owned Property in accordance with Iowa Code Section 364.7(3) for public purposes; and

WHEREAS, the properties to be exchanged have been determined by the City's Real Estate Division to be comparable in value, condition and use; and

WHEREAS, there is no known current or anticipated public benefit or need for the City Right-of-Way that is proposed to be vacated and conveyed, or for the City-owned Property proposed to be conveyed, and the City will benefit from acquisition and acceptance of the Polk County-owned Property.

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

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1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating Wagner Street from the north/south alley to 5th Avenue and a 132-foot segment of the north/south alley between 5th Avenue and 6th Avenue north of Vine Street, more specifically described as follows:

ALL THAT PART OF WAGNER STREET RIGHT-OF-WAY LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF THE NORTH/SOUTH ALLEY IN BLOCK 15 OF FORT DES MOINES, AN OFFICIAL PLAT, AND LYING WEST OF WEST RIGHT-OF-WAY LINE OF 5TH STREET (LOCALLY KNOWN AS 5TH AVENUE), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 5 THRU 6 IN BLOCK 15 OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That, if the City Council first decides to vacate the above-described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way, and other excess real property located along relocated Southwest 6th Street, south of Cherry Street, all as legally described below and subject to the conditions set forth in the Plan and Zoning Commission recommendation, to Polk County in exchange and as consideration for conveyance by Polk County to the City of a portion of previously vacated Southwest 6th Street:

ALL THAT PART OF VACATED WAGNER STREET RIGHT-OF-WAY LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF THE NORTH/SOUTH ALLEY IN BLOCK 15 OF FORT DES MOINES, AN OFFICIAL PLAT, AND LYING WEST OF WEST RIGHT-OF-WAY LINE OF 5TH STREET (LOCALLY KNOWN AS 5TH AVENUE), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOTS 5 THRU 6 IN BLOCK 15 OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

A PARCEL OF LAND SITUATED IN PART OF VACATED SW 6TH STREET, LYING SOUTHERLY OF THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN BOOK 6229, PAGE 702, IN THE POLK COUNTY RECORDER'S OFFICE AND LYING WEST OF AND ADJOINING PART OF LOT 1, BLOCK 15 OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID PARCEL OF LAND IS DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 1 OF BLOCK 15 OF SAID FORT DES MOINES; THENCE SOUTH 15° (DEGREES) 21'(MINUTES) 58" (SECONDS) EAST, 16.50 FEET TO THE NORTHWESTERLY CORNER OF LOT 3 OF BLOCK 15 OF SAID FORT DES MOINES; THENCE SOUTH 74°12'05" WEST, 18.49 FEET TO THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF SW 6TH STREET; THENCE NORTHERLY ON THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF SW 6TH STREET, BEING A 532.15-FOOT RADIUS CURVE CONCAVE WESTERLY AND HAVING A 28.14-FOOT LONG CHORD BEARING NORTH 00°31'28" EAST, 28.14 FEET (ARC LENGTH) TO THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN BOOK 6229, PAGE 702, IN THE POLK COUNTY RECORDER'S OFFICE; THENCE NORTH 74°53'26" EAST ON SAID SOUTHERLY LINE, 10.78 FEET TO THE SOUTHWESTERLY LINE OF LOT 1, BLOCK 15 OF SAID FORT DES MOINES; THENCE SOUTH 15°22'05" EAST ON THE SOUTHWESTERLY LINE OF LOT 1, BLOCK 15 OF SAID FORT DES MOINES, 10.37 FEET TO THE POINT OF BEGINNING. THE SOUTHWESTERLY LINE OF LOT 1, BLOCK 15 OF SAID FORT DES MOINES IS ASSUMED TO BEAR SOUTH 15°22'05" EAST FOR THE PURPOSE OF THIS DESCRIPTION. BY SURVEY CONTAINING 398 SQUARE FEET.

3. That a public hearing will be held on April 7, 2014, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. There will be no proceeds associated with the proposed exchange of property.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

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

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