

★ Roll Call Number

14-0479

Agenda Item Number

19

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Date March 24, 2014

**SET HEARING FOR VACATION AND CONVEYANCE OF
ALLEN PARK LOCATED AT 504 SE 6TH STREET TO
CHRISTOPHER S. BUCHANAN FOR \$270,000**

WHEREAS, on February 10, 2014 by Roll Call 14-0229, the City Council of the City of Des Moines voted to receive and file a request from Hansen Real Estate Services representing Christopher S. Buchanan, doing business as Scotty's Body Shop, to purchase City-owned park property at 504 SE 6th Street (hereinafter "Allen Park"); and

WHEREAS, on February 25, 2014, the Park and Recreation Board voted to approve a recommendation that the City Council vacate and convey Allen Park and dedicate approximately 2.8 acres of City-owned property at Maury Street and SE 6th Street as parkland as a replacement of the Allen Park parkland, and to designate the sale proceeds to off-set the cost of relocating the current park amenities to the new proposed park; and

WHEREAS, Christopher S. Buchanan has offered to the City of Des Moines the purchase price of \$270,000 for Allen Park, which price reflects the appraised price per square foot as determined by an independent appraiser and also reflects the fair market value of Allen Park as further determined by the City's Real Estate Division; and

WHEREAS, Christopher S. Buchanan and the City Real Estate Division are negotiating the terms of an Offer to Purchase, which Offer will include, among other terms, the provision that closing on the sale of Allen Park shall be subject to an approved site plan, and subject to compliance with all applicable City zoning restrictions; and

WHEREAS, there is no known current or anticipated public benefit or need for Allen Park that is proposed to be vacated insofar as the City-owned property at Maury Street and SE 6th Street is dedicated as parkland as a replacement of the Allen Park parkland, and the City will not be inconvenienced by the proposed vacation and sale of said Allen Park.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating Allen Park, located at 504 SE 6th Street, more specifically described as follows:

LOTS 6, 7, 8, 9 AND 10, BLOCK 46, TOWN OF DE MOINE, AN OFFICIAL PLAT,
ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES
MOINES, POLK COUNTY, IOWA.

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2. That if the City Council decides to vacate the above-described Allen Park, the City of Des Moines further proposes to sell such vacated property to Christopher S. Buchanan for the consideration of \$270,000.00, in accordance with the Park and Recreation Board recommendations set forth herein above and the terms of the Offer to Purchase.

3. That the meeting of the City Council at which the adoption of said ordinance and the proposed conveyance of such real estate is to be considered shall be on April 7, 2014, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

5. The proceeds associated with this property will be deposited into the following account: 2014-15 CIP, Park Improvements, Page Park Improvements – 12, PK137.

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
MOTION CARRIED APPROVED

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 Fauh City Clerk