 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 12, 2015
	Agenda Item No. 49 Roll Call No. <u>15-0070</u> Communication No. <u>15-011</u> Submitted by: Pamela S. Cooksey, P.E., Interim City Engineer

AGENDA HEADING:

Hold hearing for vacation of air space over portions of East Locust Street right-of-way adjoining 201 East Locust Street, and for conveyance of an easement to Siegeworks Lodging, LLC for \$5,460.

SYNOPSIS:

Recommend approval for vacation and conveyance of such easement to Siegeworks Lodging, LLC, Lincoln McIlravy, Member, 4220 210th Street NE, Solon, Iowa, 52333, to allow for a canopy extension above the first floor of the proposed hotel building. There is no known current or future public need for the easement area to be vacated and conveyed. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

FISCAL IMPACT:

Amount: \$5,460 (Revenue)

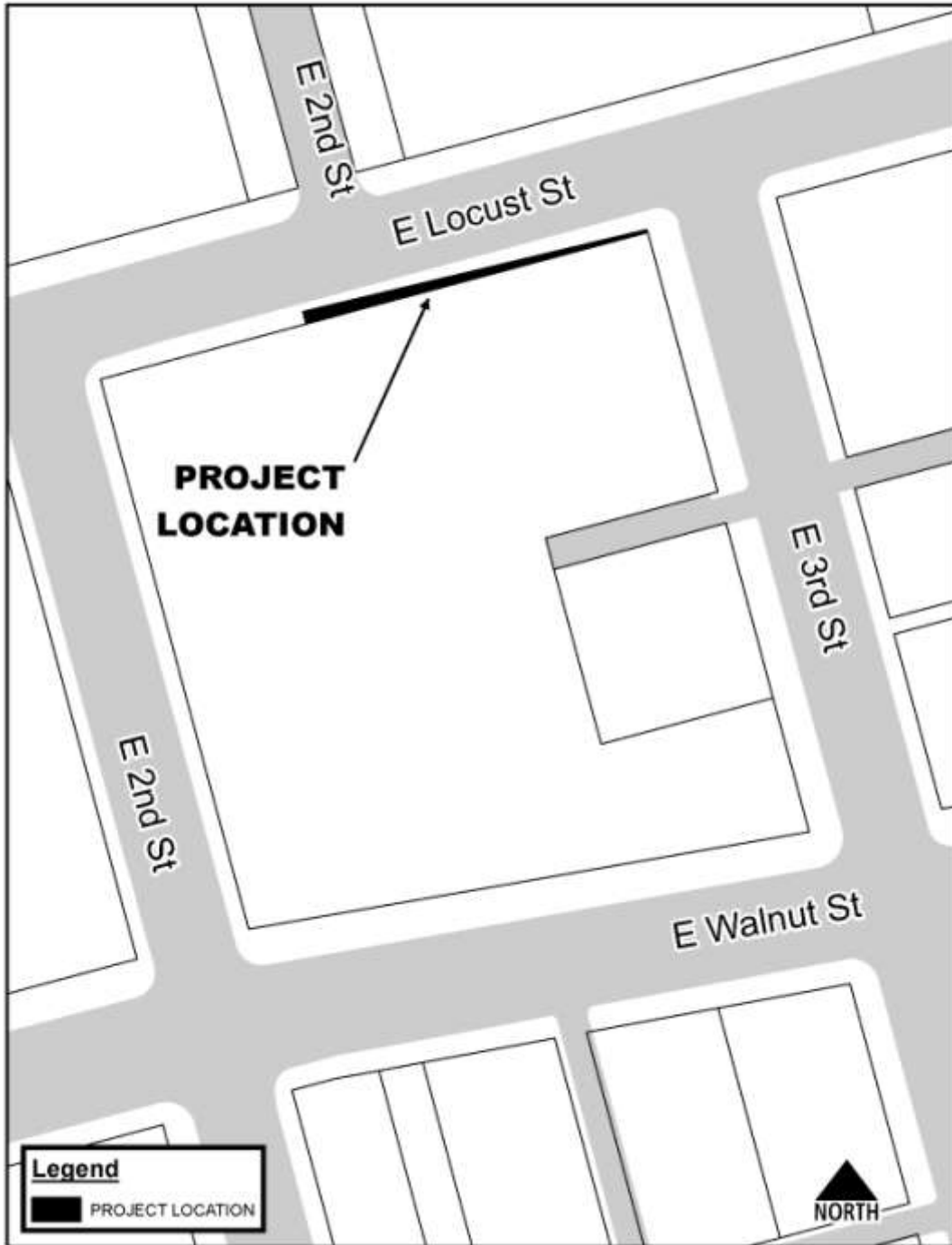
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

On November 3, 2014, by Roll Call No. 14-1700, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air rights within the south 7-feet of East Locust Street adjoining the north side of 201 East Locust Street, be vacated to allow for a canopy extension above the first floor of the proposed hotel building, subject to resolving the conflict involving the proximity of the canopy extension to the pedestrian lighting arms of the street lights on the Locust Street streetscape. This conflict has since been resolved.

Siegeworks, LLC is proposing to construct a six-story hotel building with 137 guest rooms fronting East Locust Street. A canopy for the proposed hotel would extend from above the first floor out over the sidewalk along East Locust Street.

Siegeworks, LLC has offered to the City of Des Moines the purchase price of \$5,460 for the vacation and purchase of an air space easement interest consisting of a total of 709-square-feet in a portion of East Locust Street right-of-way. The purchase price reflects the fair market value of the easement as currently estimated by the City’s Real Estate Division. The vacation and conveyance of the above described easement shall be subject to the City Plan and Zoning Commission’s recommendation.



PREVIOUS COUNCIL ACTION(S):

Date: December 22, 2014

Roll Call Number: [14-1929](#)

Action: [On](#) vacation of air space over portions of E. Locust Street right-of-way adjoining 201 E. Locust Street and for conveyance of an easement to Siegeworks Lodging, LLC, \$5,460, (1-12-15). Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 3, 2014

Roll Call Number: [14-1700](#)

Action: [Regarding](#) request from Siegeworks Lodging, LLC (purchaser) of 201 E. Locust Street for vacation of a portion of the air rights within the south 7 feet of E. Locust Street adjoining the north side of the subject property, to allow for a canopy extension above the first floor of the proposed hotel building. Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Nays: Moore.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: October 16, 2014

Resolution Number: 11-2014-1.12

Action: [Request](#) from Siegeworks Lodging, LLC (purchaser) 201 East Locust Street represented by Lincoln McIlravy (officer) for vacation of a portion of the air rights within the south 7-feet of East Locust Street adjoining the north of the subject property, to allow for a canopy extension above the first floor of the proposed hotel building.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.