 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	November 23, 2015
	<b>Agenda Item No.</b>	<b>53</b>
	<b>Roll Call No.</b>	<b><u>15-2008</u></b>
	<b>Communication No.</b>	<b><u>15-619</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for vacation of City street and alley rights-of-way adjoining 915 Mulberry Street and conveyance of a permanent easement for air space above City-owned property within Mulberry Street, 9th Street, and the east/west alley right-of-way all adjoining 915 Mulberry Street, to Hubbell Tower II, LLC for \$5,922.

**SYNOPSIS:**

Recommend approval for vacation of said rights-of-way and conveyance of a permanent easement for air space to Hubbell Tower II, LLC Steve Niebuhr, Senior Vice President, 6900 Westown Parkway, West Des Moines, Iowa, 50266, to allow for construction, repair, and maintenance of a second floor canopy, a first floor awning, light canopies and a pedestrian air bridge as part of the DWELL Apartments building project to be constructed at 915 Mulberry Street. There is no current or anticipated public need for the easement area to be conveyed. This action is required by Iowa law prior to making a final determination on the proposed easement by resolution

**FISCAL IMPACT:**

Amount: \$5,922 (Revenue)

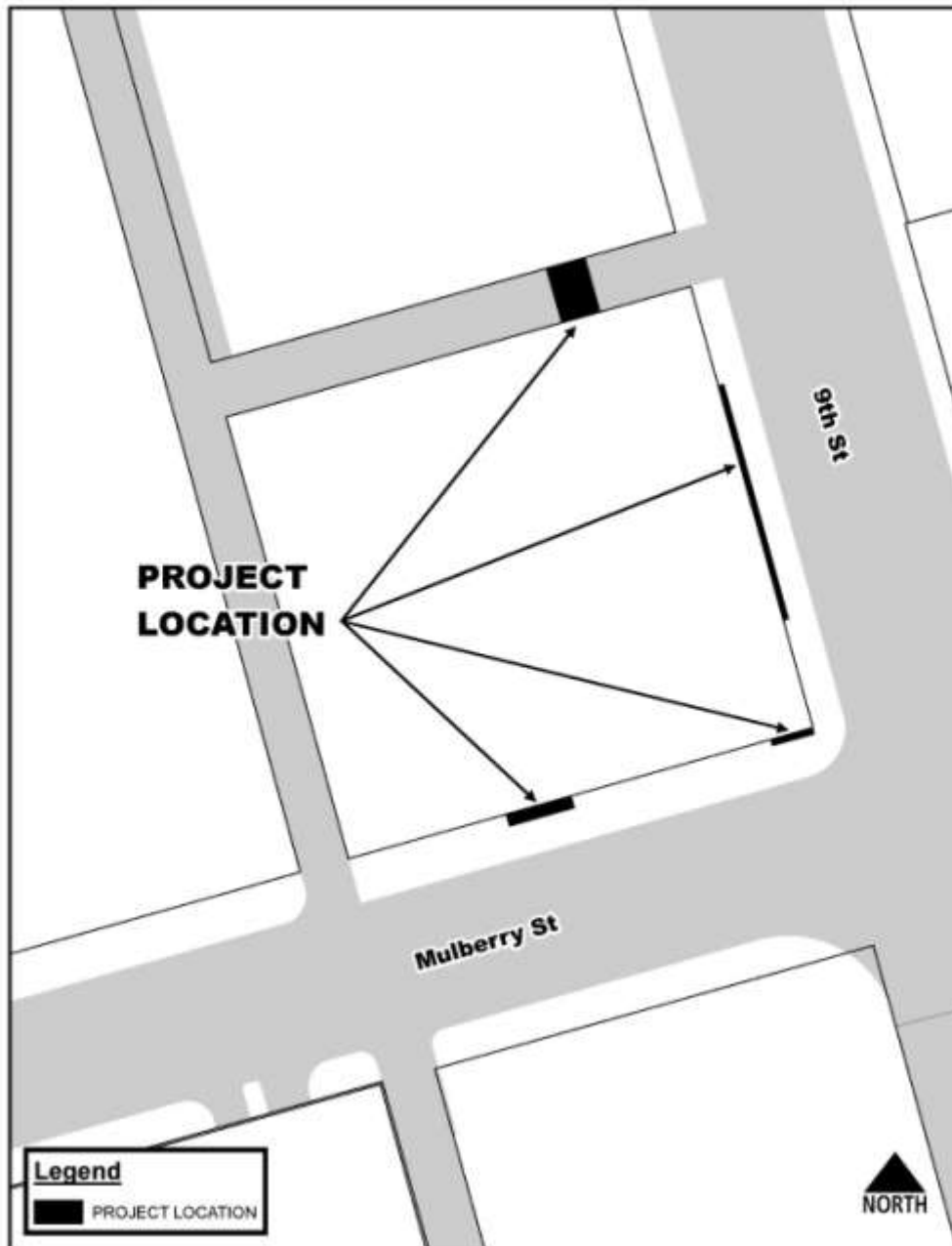
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

**ADDITIONAL INFORMATION:**

On October 26, 2015 by Roll Call No. 15-1775, the City Council of the City of Des Moines voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from Hubbell Tower II, LLC to vacate and convey certain air rights adjoining 915 Mulberry Street within the adjoining north 3.73-feet of Mulberry Street for a second floor canopy and a first floor awning, within the west 1.8-feet of 9<sup>th</sup> Street for light canopies, and within a 12 foot by 16.5 foot segment of the adjoining east/west alley for a pedestrian air bridge over the east/west alley, subject to a site plan approved by the City of Des Moines.

Hubbell Tower II, LLC is the owner of the property at 915 Mulberry Street upon which they intend to construct the DWELL residential apartment building. Hubbell Tower II, LLC has offered the City of Des Moines the purchase price of \$5,922 for a permanent easement for air space above City-owned property within portions of Mulberry Street and 9<sup>th</sup> Street, and the east/west alley rights-of-way adjoining 915 Mulberry Street. The easement areas consist of approximately 427-square-feet and the

purchase price reflects the restricted-use fair market value of the easement interest as currently estimated by the City's Real Estate Division.



**PREVIOUS COUNCIL ACTION(S):**

Date: November 9, 2015

Roll Call Number: [15-1862](#)

Action: [On](#) vacation of City street and alley rights-of-way adjoining 915 Mulberry Street and conveyance of an air rights easement within Mulberry Street, 9<sup>th</sup> Street and the east/west alley rights-

of-way all adjoining 915 Mulberry Street to Hubbell Tower II, LLC, \$5,922, (11-23-15). Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.

Date: October 26, 2015

Roll Call Number: [15-1775](#)

Action: [Regarding](#) request from Hubbell Tower II, LLC for vacation of air rights adjoining 915 Mulberry Street. Moved by Hensley to receive and file the communication from Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Mahaffey.

Date: October 12, 2015

Roll Call Number: [15-1726](#)

Action: [On](#) vacation of City street and alley rights-of-way adjoining 915 Mulberry Street and conveyance of a subsurface easement within Mulberry Street, 9<sup>th</sup> Street north/south alley right-of-way and east/west alley right-of-way all adjoining 915 Mulberry Street to Hubbell Realty Company, \$7,000. ([Council Communication No. 15-539](#)) Moved by Hensley to adopt. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Board: City Plan and Zoning Board

Date: October 15, 2015

Resolution Number: [11-2015-1.19](#)

Action: [Recommend](#) approval of the request by Hubbell Tower II, L.L.C. to vacate and convey certain air rights adjoining 915 Mulberry Street subject to a City-approved site plan.

#### **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](mailto:cityclerk@dmgov.org).