 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 11, 2018
	Agenda Item No. 59 Roll Call No. <u>18-1023</u> Communication No. <u>18-297</u> Submitted by: Steven L. Naber, P.E., City Engineer

AGENDA HEADING:

Resolution dismissing hearing for approval of documents for vacation of portions of 5th Avenue right-of-way and alley right-of-way and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property and a Permanent Easement for Air Space Above City-owned Property to 5th and Walnut Parking LLC for \$38,630.

SYNOPSIS:

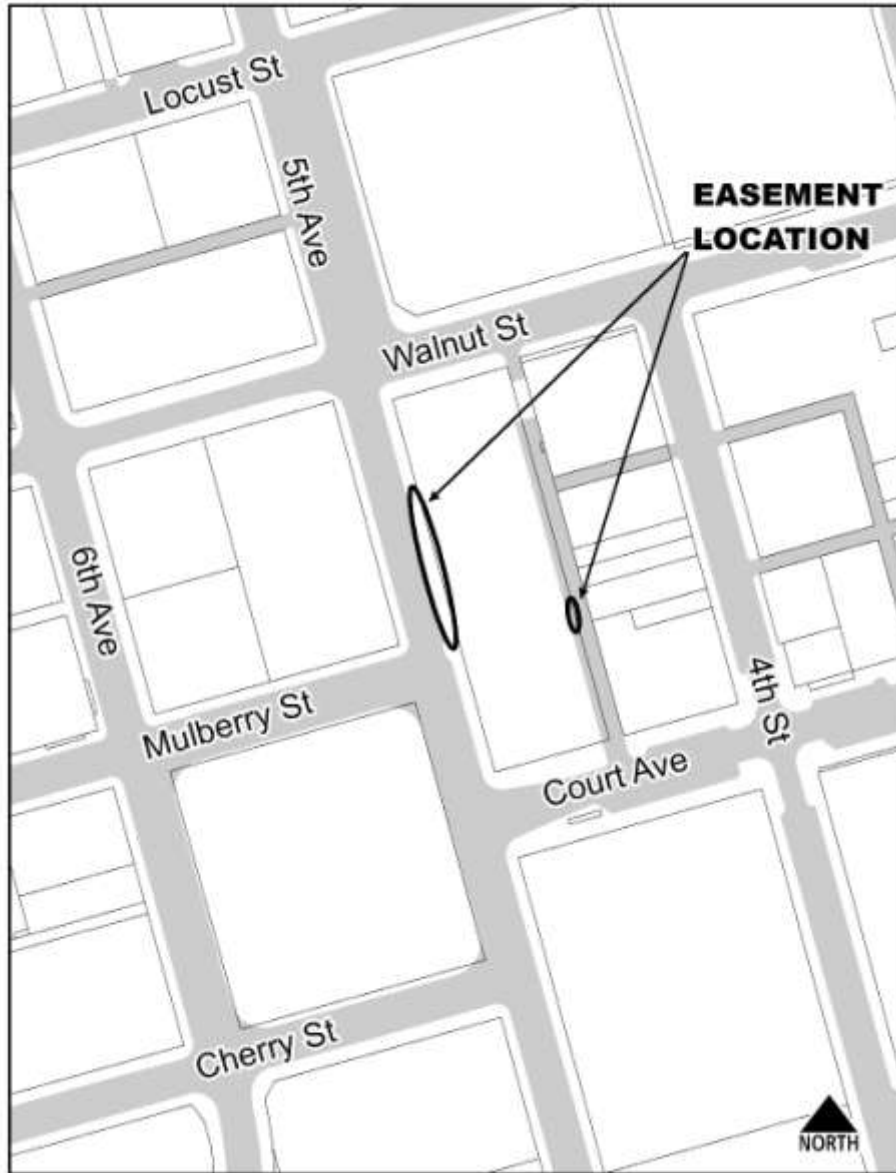
Dismiss hearing for the vacation of portions of 5th Avenue right-of-way and alley right-of-way all adjoining 422 Walnut Street and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property and a Permanent Easement for Air Space Above City-owned Property to 5th and Walnut Parking LLC, Justin Mandelbaum, Manager, c/o Belin McCormick Attorneys, 666 Walnut Street, Suite 2000, Des Moines, Iowa, 50309-3989, for \$38,630.

The air space easement area within City right-of-way adjoining the proposed 11-story mixed-use parking structure at 422 Walnut Street have been revised, which requires a new hearing to be set for approval of such revised easement area.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On March 19, 2018, City Council of the City of Des Moines received and filed a communication from the City Plan and Zoning Commission to approve a request from 5th and Walnut Parking LLC for vacation of 2.50-foot by 206.85-foot segment of subsurface rights within 5th Avenue west of and adjoining 422 Walnut Street; a 2.50-foot by 10-foot segment of the subsurface rights in the north/south alley east of and adjoining 422 Walnut Street for building footings; for vacation of a 1.50-foot by 225-foot segment of air rights within 5th Avenue west of and adjoining 422 Walnut Street for an attached shade screen; and a 5-foot by 185.80-foot segment of air rights above 5th Avenue west of and adjoining 422 Walnut Street for an entrance canopy all for an 11-story mixed-use parking structure, subject to: 1) the provision of easements for any existing utilities until such time that they are abandoned or relocated; and 2) so long as any proposed structure is constructed in compliance with an approved site plan.
- The air space easement area within City right-of-way adjoining the proposed 11-story mixed-use parking structure at 422 Walnut Street has been revised, which requires a new hearing to be set for approval of such revised easement area.



PREVIOUS COUNCIL ACTION(S):

Date: May 21, 2018

Roll Call Number: [18-0872](#)

Action: [On](#) approval of documents for vacation of portions of 5th Avenue and alley right-of-way and conveyance of a permanent easement for subsurface building encroachment on City-owned property and a permanent easement for air space above City-owned property to 5th and Walnut Parking LLC, \$38,630, (6-11-18). Moved by Gray to adopt. Motion Carried 6-0. Council Mandelbaum abstains from voting based on an appearance of a conflict of interest.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: March 1, 2018

Resolution Number: 11-2018-1.02

Action: Recommend approval of the proposed air and subsurface rights vacations subject to the provision of easements for any existing utilities until such time that they are abandoned or relocated and so long as any proposed structure is constructed in compliance with an approved Site Plan.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Set and hold public hearing for the revised air space easement area within City right-of-way.

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