

Date August 6, 2007

SET HEARING FOR THE VACATION AND CONVEYANCE OF AN ENCROACHMENT EASEMENT AND AIR RIGHTS EASEMENT TO ALLOW FOR ENCROACHMENT OF THE EXISTING BUILDING AT 3510 UNIVERSITY AVENUE TO JAMES J. HOLTKAMP FOR \$100

WHEREAS, on June 18, 2007, by Roll Call No. 07-1159, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an encroachment easement and air rights easement; hereinafter more fully described; to allow for encroachment of the existing building at 3510 University Avenue; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the encroachment easement and air rights easement described below.

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 an encroachment easement and air rights easement to allow for encroachment of the existing building at 3510 University Avenue, more specifically described as follows:

Encroachment

The South 0.8 feet of University Avenue right-of-way lying North of and adjoining the West 40.0 feet of Lot 1, Kauffman Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Air Space

All of the air space which is located above the South 4.0 feet of University Avenue right-of-way lying North of and adjoining the West 40.00 feet of Lot 1, Kauffman Place, an Official Plat, and lying North of and adjoining the East 3.0 feet of Lot 13, of said Kauffman Place, which is located below a plane with an elevation of 200.00 feet, City Datum, and which is above a plane with an elevation of 192.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (With ground level elevation being 183.0 feet, City Datum.)

DESCRIPTION APPROVED [Signature] 8/11/07 12:50

★ Roll Call Number

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2. That if the City Council decides to vacate the above described encroachment easement and air rights easement, the City of Des Moines proposes to sell such easements, as described below, to the grantee and for the consideration identified below:

To: James J. Holtkamp for \$100.00

Encroachment

The South 0.8 feet of vacated University Avenue right-of-way lying North of and adjoining the West 40.0 feet of Lot 1, Kauffman Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Air Space

All of the vacated air space which is located above the South 4.0 feet of University Avenue right-of-way lying North of and adjoining the West 40.00 feet of Lot 1, Kauffman Place, an Official Plat, and lying North of and adjoining the East 3.0 feet of Lot 13, of said Kauffman Place, which is located below a plane with an elevation of 200.00 feet, City Datum, and which is above a plane with an elevation of 192.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (With ground level elevation being 183.0 feet, City Datum.)

DESCRIPTION APPROVED
[Signature]
8/10/07 12:43

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such easements is to be considered shall be on August 20, 2007, 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 §362.3 of the Iowa Code.

5. The proceeds from the sale of these easements shall be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

★ Roll Call Number

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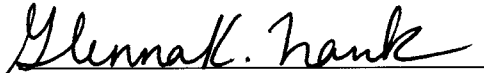
24

Dispositions - Holtkamp: Page 3

Date August 6, 2007

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

pen

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
TOTAL				

MOTION CARRIED

APPROVED

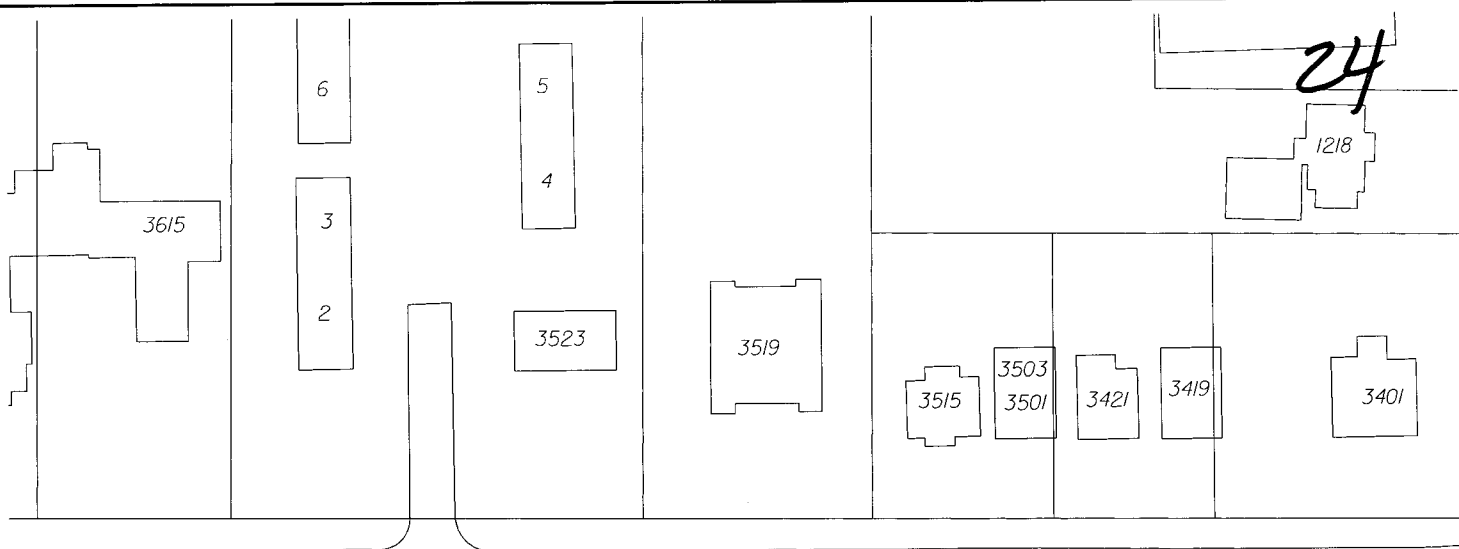
 Mayor

CERTIFICATE

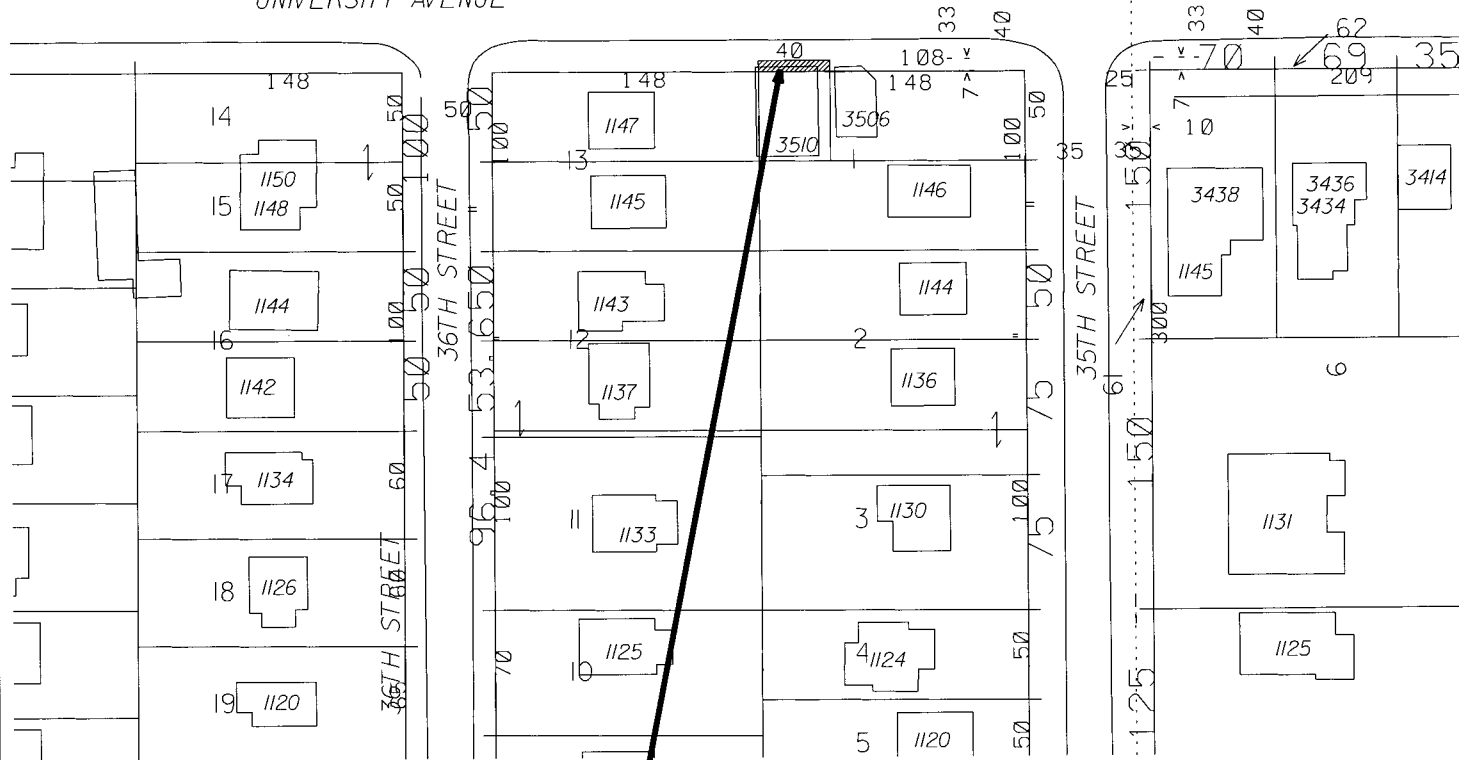
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

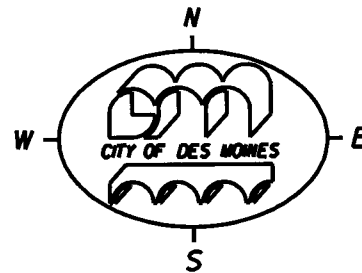
 City Clerk



UNIVERSITY AVENUE



**PROJECT
LOCATION**



**GENERAL DISPOSITION
AIR RIGHTS & ENCROACHMENT EASEMENT
3510 UNIVERSITY AVENUE
ACTIVITY I.D. 34-2008-004**