

★ Roll Call Number

Agenda Item Number

.....
Date August 20, 2007.....

.....
Dispositions - Holtkamp: Page 1

HOLD 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; and

WHEREAS, on August 6, 2007, by Roll Call No. 07-1513, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on August 20, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation an encroachment easement and air rights easement, 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.

DESCRIPTION APPROVED
[Signature]
8/21/07 08:39

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Date August 20, 2007

DESCRIPTION APPROVED
James J. Holtkamp
8/14/07 08:30

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.)

3. That the sale and conveyance of such encroachment easement and air rights easement to James J. Holtkamp for \$100, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and the Easement for the conveyances identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the said Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.
8. The proceeds from the sale of this property will be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

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Dispositions - Holtkamp: Page 3

Date August 20, 2007

(Council Communication No.)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSW

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