

Date September 25, 2006

SET HEARING FOR THE VACATION AND CONVEYANCE OF AN EASEMENT TO LB PROPERTIES X, L.L.C. FOR SUBSURFACE RIGHTS LOCATED IN A SIX-FOOT STRIP OF STREET AND ALLEY RIGHTS-OF-WAY ADJOINING 912 WALNUT STREET FOR \$35,000

WHEREAS, on August 21, 2006, by Roll Call No. 06-1666, the City Council adopted a recommendation from the City Plan and Zoning Commission that the subsurface rights-of-way adjoining 912 Walnut Street, within the north 6 feet of Mulberry Street, the east 6 feet of 10th Street, the south 6 feet of Walnut Street and the east 6 feet of the west 12 feet of the north/south alley (west 6 feet previously vacated), hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of property abutting such rights-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and conveyance of an easement for the subsurface rights within portions of such rights-of-way 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 portions of the subsurface rights within the public rights-of-way adjoining 912 Walnut Street, within the north 6 feet of Mulberry Street, the east 6 feet of 10th Street, the south 6 feet of Walnut Street and the east 6 feet of the west 12 feet of the north/south alley (west 6 feet previously vacated), more specifically described as follows:

The area below grade of a strip of ground in the East 6.00 feet of Lot 6, except the North 19.40 feet thereof, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the East/West alley right-of-way lying South of and adjoining the East 6.00 feet of said Lot 6; and the East 6.00 feet of Lot 7, Block 2, West Fort Des Moines, an Official Plat, and the East 6.00 feet of Lots 7 and 8, Block 12, H. M. Hoxie's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the South 6.00 feet of the Walnut Street right-of-way lying North of and adjoining Lots 1 through 6, except the East 6.00 feet thereof, John A. Garver's Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the South 6.00 feet of the Walnut Street right-of-way lying North of and adjoining the East 6.00 feet of the 10th Street right-of-way lying West of and

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adjoining said Lot 1, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the North 6.00 feet of the Mulberry Street right-of-way lying South of and adjoining Lot 8, West Fort Des Moines, an Official Plat, and lying South of and adjoining the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining said Lot 8, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The area below grade of a strip of ground in the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining Lot 1, John A. Garver’s Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat, and lying West of and adjoining the vacated East/West alley right-of-way lying South of and adjoining said Lot 1; and the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining Lots 7 and 8, H. M. Hoxie’s Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to grant an easement for subsurface rights within portions of such rights-of-way, as described below to the grantees and for the consideration identified below:

To: LB Properties X, L.L.C. for \$35,000

The vacated area below grade of a strip of ground in the East 6.00 feet of Lot 6, except the North 19.40 feet thereof, John A. Garver’s Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the East/West alley right-of-way lying South of and adjoining the East 6.00 feet of said Lot 6; and the East 6.00 feet of Lot 7, Block 2, West Fort Des Moines, an Official Plat, and the East 6.00 feet of Lots 7 and 8, Block 12, H. M. Hoxie’s Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The vacated area below grade of a strip of ground in the South 6.00 feet of the Walnut Street right-of-way lying North of and adjoining Lots 1 through 6, except the East 6.00 feet thereof, John A. Garver’s Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat; and the South 6.00 feet of the Walnut Street right-of-way lying

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North of and adjoining the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining said Lot 1, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The vacated area below grade of a strip of ground in the North 6.00 feet of the Mulberry Street right-of-way lying South of and adjoining Lot 8, West Fort Des Moines, an Official Plat, and lying South of and adjoining the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining said Lot 8, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The vacated area below grade of a strip of ground in the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining Lot 1, John A. Garver’s Subdivision of Lots 5 and 6, Block 2, West Fort Des Moines, an Official Plat, and lying West of and adjoining the vacated East/West alley right-of-way lying South of and adjoining said Lot 1; and the East 6.00 feet of the 10<sup>th</sup> Street right-of-way lying West of and adjoining Lots 7 and 8, H. M. Hoxie’s Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of an easement for such subsurface rights is to be considered shall be on October 9, 2006, 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 this property shall be deposited into the following account: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

★ Roll Call Number

Agenda Item Number

15

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Dispositions – LB Properties: Page 4

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Ann DiDonato  
Assistant City Attorney

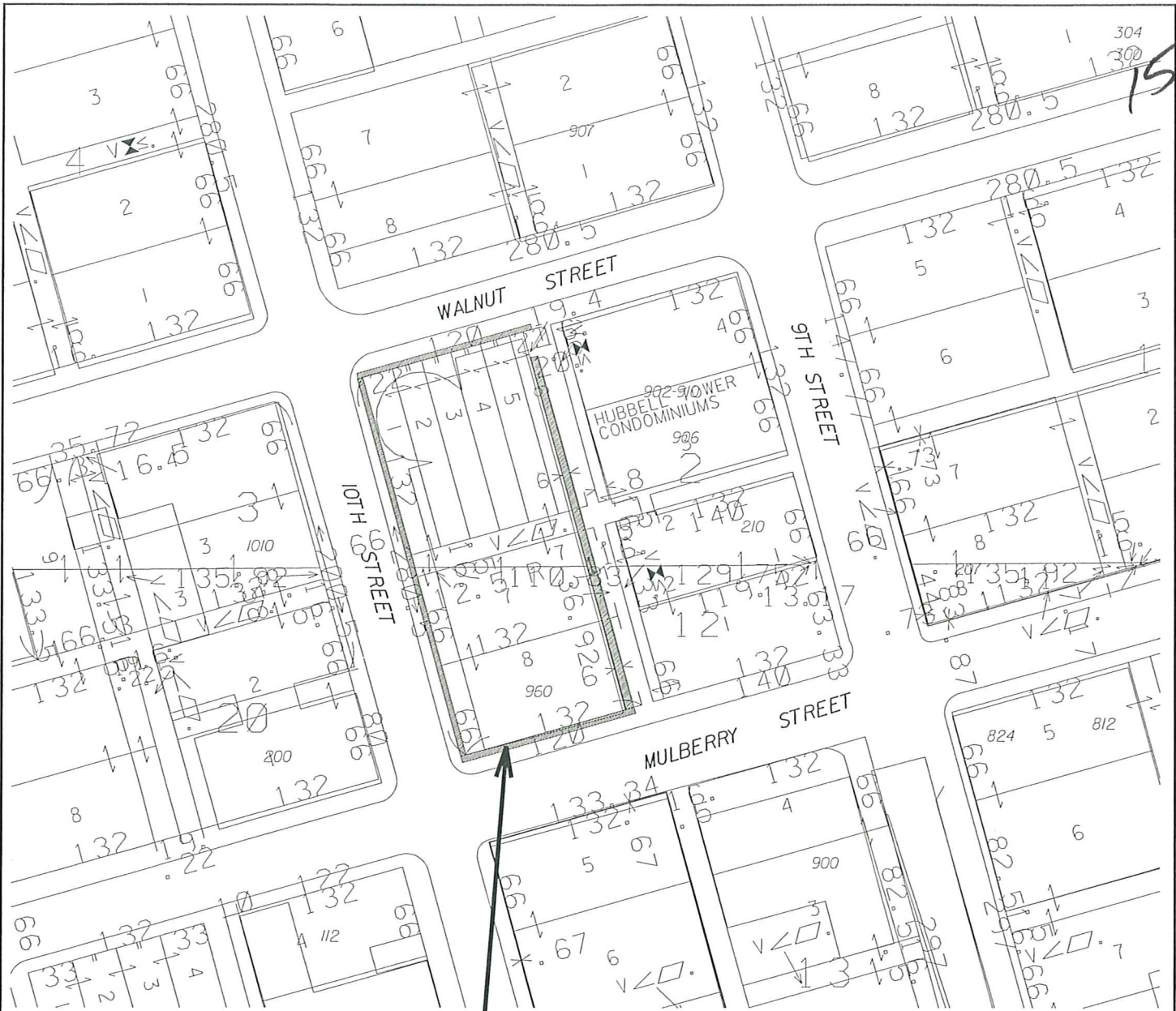
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

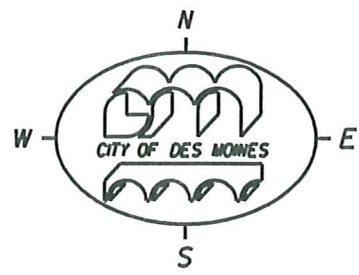
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

\_\_\_\_\_ City Clerk



**PROPERTY  
LOCATION**



**PROPERTY DISPOSITION  
SUBSURFACE EASEMENT  
912 WALNUT STREET  
ACTIVITY I.D. 34-2007-018**