

Date October 8, 2007

**SET HEARING FOR VACATION AND CONVEYANCE OF AN ENCROACHMENT EASEMENT AND AIR SPACE EASEMENT TO ALLOW FOR ENCROACHMENT OF THE BUILDING AT 600 EAST GRAND AVENUE TO RESCARE, INC. FOR \$636**

WHEREAS, on February 12, 2007, by Roll Call No. 07-231, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an air space easement; hereinafter more fully described, to allow for installation of bay windows on the south and west facades of the existing building at 600 East Grand 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 space 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 space easement to allow for encroachment of the building at 600 East Grand Avenue, more specifically described as follows:

Encroachment Easement

All that part of East Grand Avenue and East 6<sup>th</sup> Avenue adjacent to Lot 7, Block 20, in East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the southwesterly corner of said Lot 7; thence North 75°(Degrees) 03'(Minutes) 03"(Seconds) East, along the North right-of-way of East Grand Avenue, a distance of 40.60 feet; thence South 14°46'23" East, a distance of 0.21 feet; thence South 74°49'03" West, a distance of 40.86 feet; thence North 14°54'03" West, a distance of 80.06 feet; thence North 74°48'27" East, a distance of 0.46 feet, to a point on the East right-of-way of East 6<sup>th</sup> Avenue; thence South 14°45'38" East, along said right-of-way, a distance of 79.68 feet to the Point of Beginning. Containing 41 sq. ft. more or less.

Air Space Easement

All of the Air Space which is located above the following description of the road right-of-way of East 6<sup>th</sup> Street, North of East Grand Avenue and East Grand Avenue, East of East 6<sup>th</sup> Street, and adjacent to Lot 7, Block 20 in East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa:

Commencing at the southwesterly corner of said Lot 7, thence North 75°(Degrees) 03'(Minutes) 03"(Seconds) East, along the North right-of-way of East Grand Avenue, a

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distance of 40.60 feet; thence South 14°46'23" East, a distance of 0.21 feet, to the Point of Beginning; thence South 14°46'23" East, a distance of 2.40 feet; thence South 74°49'03" West, a distance of 43.26 feet; thence North 14°54'03" West, a distance of 82.46 feet; thence North 74°48'27" East, a distance of 2.40 feet; thence South 14°54'03" East, a distance of 80.06 feet; thence North 74°49'03" East, a distance of 40.86 feet to the Point of Beginning. Containing 296 sq ft. more or less. Which is located below a plane with an elevation of 80.00 feet, City Datum, and which is located above a plane with an elevation of 59.50 feet, City Datum.

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

To: ResCare, Inc. for \$636

Encroachment Easement

All that part of vacated East Grand Avenue and vacated East 6<sup>th</sup> Avenue adjacent to Lot 7, Block 20, in East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; more particularly described as follows:

Beginning at the southwesterly corner of said Lot 7; thence North 75°(Degrees) 03'(Minutes) 03"(Seconds) East, along the North right-of-way of East Grand Avenue, a distance of 40.60 feet; thence South 14°46'23" East, a distance of 0.21 feet; thence South 74°49'03" West, a distance of 40.86 feet; thence North 14°54'03" West, a distance of 80.06 feet; thence North 74°48'27" East, a distance of 0.46 feet, to a point on the East right-of-way of East 6<sup>th</sup> Avenue; thence South 14°45'38" East, along said right-of-way, a distance of 79.68 feet to the Point of Beginning. Containing 41 sq. ft. more or less.

Air Space Easement

All of the vacated Air Space which is located above the following description of the road right-of-way of East 6<sup>th</sup> Street, North of East Grand Avenue and East Grand Avenue, East of East 6<sup>th</sup> Street, and adjacent to Lot 7, Block 20 in East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa:

Commencing at the southwesterly corner of said Lot 7, thence North 75°(Degrees) 03'(Minutes) 03"(Seconds) East, along the North right-of-way of East Grand Avenue, a distance of 40.60 feet; thence South 14°46'23" East, a distance of 0.21 feet, to the Point of Beginning; thence South 14°46'23" East, a distance of 2.40 feet; thence South 74°49'03" West, a distance of 43.26 feet; thence North 14°54'03" West, a distance of 82.46 feet; thence North 74°48'27" East, a distance of 2.40 feet; thence South 14°54'03"

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East, a distance of 80.06 feet; thence North 74°49'03" East, a distance of 40.86 feet to the Point of Beginning. Containing 296 sq ft. more or less. Which is located below a plane with an elevation of 80.00 feet, City Datum, and which is located above a plane with an elevation of 59.50 feet, City Datum.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such easement is to be considered shall be on October 22, 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.

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

APPROVED AS TO FORM:

*Glenna K. Frank*

Glenna K. Frank  
Assistant City Attorney

*BN*

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

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.

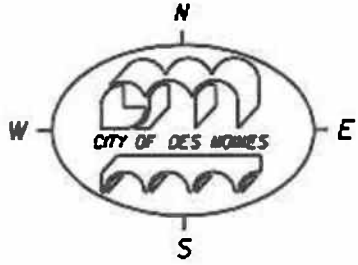
MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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



-  Encroachment Easement
-  Air Space Easement



**PROPERTY EASEMENTS**  
**600 EAST GRAND/RES CARE, INC.**  
**ACT. I.D. 34-2007-042**