

Date October 22, 2007

HOLD 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 S636

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; and

WHEREAS, on October 8, 2007, by Roll Call No. 07- 1939, 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 October 22, 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 of an encroachment easement and air space easement, more specifically described as follows:

Encroachment Easement

All that part of East Grand Avenue and East 6th 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

DESCRIPTION REVIEWED
James [Signature]
10/08/07 11:28

Date October 22, 2007

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 6th 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 6th Street, North of East Grand Avenue and East Grand Avenue, East of East 6th 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" 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 sale and conveyance of such encroachment easement and air space easement, as described below, to ResCare, Inc. for \$636, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

Encroachment Easement

All that part of vacated East Grand Avenue and vacated East 6th 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 6th 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.

DESCRIPTION REVIEWED
10/22/07
[Signature]

Date October 22, 2007

Air Space Easement

All of the vacated Air Space which is located above the following description of the road right-of-way of East 6th Street, North of East Grand Avenue and East Grand Avenue, East of East 6th 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:

RESOLUTION
10/22/07
10:10 p.m.

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" 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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Easement for Building Encroachment on City-owned Property for the conveyance 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 Easement and copies of the other documents to the grantee.

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.

★ Roll Call Number

Agenda Item Number

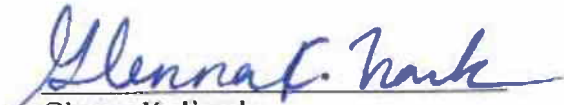
45

Dispositions – ResCare, Inc.: Page 4

Date October 22, 2007

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

CRW

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

CERTIFICATE

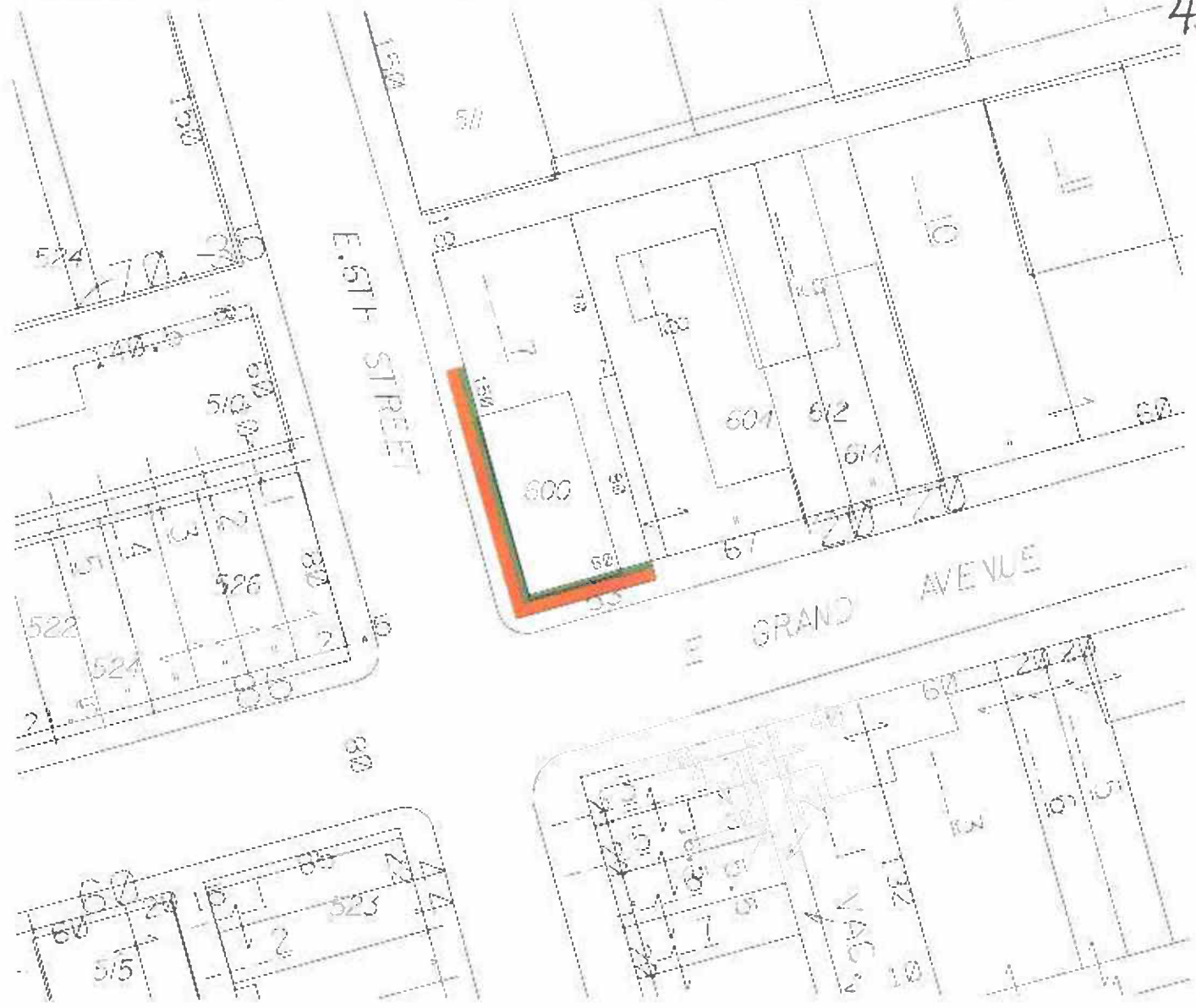
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

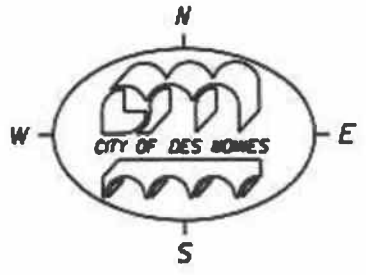
MOTION CARRIED APPROVED

 Mayor

 City Clerk



- Encroachment Easement
- Air Space Easement



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