

Date November 20, 2006

SET HEARING TO AMEND THE LEGAL DESCRIPTION FOR A PERMANENT EASEMENT FOR ENCROACHMENT ADJOINING 301 EAST COURT AVENUE PREVIOUSLY GRANTED TO EAST VILLAGE COURT, L.L.C. FOR \$370

WHEREAS, on March 20, 2006, by Roll Call No. 06-524, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey a permanent encroachment easement for the steps to the building at 301 East Court Avenue; and

WHEREAS, on August 21, 2006, by Roll Call No. 06-1694, after notice and public hearing, the City Council approved the vacation and conveyance of an Encroachment Easement adjoining 301 East Village Court Avenue to East Village Court, L.L.C. for \$370; and

WHEREAS, because of a site plan design change, East Village Court, L.L.C. has requested that the location of the encroachment easement be amended; 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 portion of such right-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 an encroachment easement adjoining 301 East Court Avenue, more specifically described as follows:

The South 5.0 feet of the East 12.0 feet of the West 48.0 feet of East Court Avenue right-of-way lying North of and adjoining Lots 5 and 6, Block 3, Scott and Dean’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, more particularly described as follows:

Commencing at the Northwest corner of said Lot 5; thence North 78°(degrees) 00’(minutes) 39”(seconds) East, along the southerly right-of-way line of said East Court Avenue, said line being the northerly line of said Lots 5 and 6, a distance of 36.00 feet to the point of beginning; thence North 11°59’21” West, 5.00 feet; thence North 78°00’39” East, 12.00 feet; thence South 11°59’21” East, 5.00 feet to a point on the southerly right-of-way line of said East Court Avenue; thence South 78°00’39” West, along the southerly right-of-way line of said East Court Avenue, said line being the northerly line of said Lots 5 and 6, a distance of 12.00 feet to the point of beginning, containing 60 square feet more or less.

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2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such right-of-way, as described below to the grantees and for the consideration identified below:

To: East Village Court, L.L.C. for \$370

The vacated South 5.0 feet of the East 12.0 feet of the West 48.0 feet of East Court Avenue right-of-way lying North of and adjoining Lots 5 and 6, Block 3, Scott and Dean'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, more particularly described as follows:

DESCRIPTION REVIEWED  
[Signature]  
11/15/06 14:24

Commencing at the Northwest corner of said Lot 5; thence North 78°(degrees) 00'(minutes) 39"(seconds) East, along the southerly right-of-way line of said East Court Avenue, said line being the northerly line of said Lots 5 and 6, a distance of 36.00 feet to the point of beginning; thence North 11°59'21" West, 5.00 feet; thence North 78°00'39" East, 12.00 feet; thence South 11°59'21" East, 5.00 feet to a point on the southerly right-of-way line of said East Court Avenue; thence South 78°00'39" West, along the southerly right-of-way line of said East Court Avenue, said line being the northerly line of said Lots 5 and 6, a distance of 12.00 feet to the point of beginning, containing 60 square feet more or less.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on December 4, 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

23

Date November 20, 2006

Dispositions – East Village Court, L.L.C.: Page 3

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

APPROVED AS TO FORM:

*Ann DiDonato*  
 Ann DiDonato  
 Assistant City Attorney

*psw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

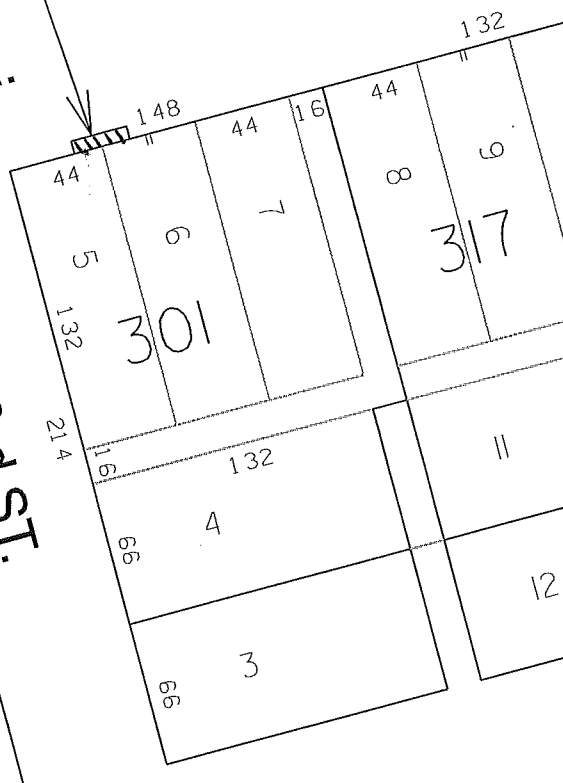
\_\_\_\_\_  
 City Clerk



E COURT AVE.

E 3rd ST.

ENCROACHMENT EASEMENT -  
EAST VILLAGE COURT, LLC



**PROPERTY ENCROACHMENT  
301 EAST COURT AVENUE  
ACTIVITY I.D. 34-2006-047**