

Date December 17, 2007

Disposition – Principal Life Insurance Company: Page 1

HOLD HEARING FOR VACATION AND CONVEYANCE OF AN EASEMENT FOR SUBSURFACE AND AIR SPACE ADJOINING 707 8TH STREET TO PRINCIPAL LIFE INSURANCE COMPANY FOR \$2917

WHEREAS, the City Plan and Zoning Commission has considered and recommended conditional approval for the vacation and conveyance of subsurface and air space adjoining 707 8th Street, hereinafter more fully described, at their meeting on November 15, 2007, and on December 3, 2007, the City Council will receive and file the Plan and Zoning Commission’s report and recommendation, prior to proceeding with the public hearing for the sale of this property; 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 purchase of the subsurface and air space easement described below; and

WHEREAS, on December 3, 2007, by Roll Call No. 07-_____, it was duly resolved by the City Council that the proposed vacation and conveyance of such subsurface and air space easement be set down for hearing on December 17, 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 rights-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a subsurface and air space easement adjoining 707 8th Street, more specifically described as follows:

CORNICE – AIR RIGHTS EASEMENT (EXHIBIT 1)

ALL OF THE AIR SPACE FOR THAT PART OF CENTER STREET RIGHT-OF-WAY AND THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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James L. [Signature]
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BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK "Q"; THENCE NORTH 89°(DEGREES) 20'(MINUTES) 27"(SECONDS) WEST ALONG THE NORTH LINE OF SAID BLOCK "Q", 235.07 FEET; THENCE NORTH 0°39'33" EAST, 4.00 FEET; THENCE NORTH 89°41'53" EAST, 238.48 FEET; THENCE SOUTH 0°14'02" EAST, 325.86 FEET; THENCE SOUTH 89°45'58" WEST, 3.50 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK "Q"; THENCE NORTH 0°14'02" WEST ALONG SAID EAST LINE, 317.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,544 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 166.75 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 152.00 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

AWNING – AIR RIGHTS EASEMENT – (EXHIBIT 2)

ALL OF THE AIR SPACE ABOVE THE WEST 5.0 FEET OF THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 0°(DEGREES) 14'(MINUTES) 02"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK "Q", 20.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14'02" WEST ALONG SAID EAST LINE, 41.33 FEET; THENCE NORTH 89°45'58" EAST, 5.00 FEET; THENCE SOUTH 0°14'02" EAST, 41.33 FEET; THENCE SOUTH 89°45'58" WEST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 207 S.F. WHICH IS BELOW A PLANE ELEVATION OF 136.67 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 101.67 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

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SUBSURFACE FOOTING EASEMENT – (EXHIBIT 3)

EASEMENT "A"

A STRIP OF GROUND BELOW GRADE FOR THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 0°(DEGREES) 14'(MINUTES) 02"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK "Q", 76.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14'02" WEST ALONG SAID EAST LINE, 195.69 FEET; THENCE NORTH 89°45'58" EAST, 2.00 FEET; THENCE SOUTH 0°14'02" EAST, 195.69 FEET; THENCE SOUTH 89°45'58" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (391 S.F.).

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AND

EASEMENT "B"

A STRIP OF GROUND BELOW GRADE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 89°(DEGREES) 25'(MINUTES) 43"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID BLOCK "Q", 91.43 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34'17" WEST, 3.00 FEET; THENCE NORTH 89°25'43" WEST, 86.51 FEET; THENCE NORTH 0°34'17" EAST, 3.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID SOUTH LINE, 86.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (260 S.F.).

PARAPET – AIR RIGHTS EASEMENT (EXHIBIT 4)

ALL OF THE AIR SPACE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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3. That the sale and conveyance of such subsurface and air space easement to Principal Life Insurance Company for \$2917, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

CORNICE – AIR RIGHTS EASEMENT (EXHIBIT 1)

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IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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Date December 17, 2007

NORTH 89°45'58" EAST, 2.00 FEET; THENCE SOUTH 0°14'02" EAST, 195.69 FEET; THENCE SOUTH 89°45'58" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (391 S.F.).

AND

EASEMENT "B"

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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 rights-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is

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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.

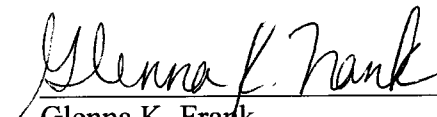
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Easement and copies of the other documents to the grantees.

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.

(Council Communication No.)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 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