

★ Roll Call Number

Agenda Item Number

45A

December 17, 2007
Date

An Ordinance entitled, "AN ORDINANCE vacating an easement for subsurface and air space adjoining 707 8th Street",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
TOTAL				

MOTION CARRIED

APPROVED

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

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50320 (515) 283-4130

ORDINANCE NO. _____

AN ORDINANCE vacating an easement for subsurface and air space adjoining 707 8th Street.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That an easement for subsurface and air space adjoining 707 8th Street, more specifically described as follows, be and is hereby vacated.

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:

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

DESCRIPTION APPROVED

Glenna K. Frank
10/16/11
11/16/07 15:08

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.

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.).

AND

DESCRIPTION APPROVED

[Handwritten signature]
11/17/09

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:

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", 86.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34'17" WEST, 5.00 FEET; THENCE NORTH 89°25'43" WEST, 95.18 FEET; THENCE NORTH 0°34'17" EAST, 5.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID SOUTH LINE, 95.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (479 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 176.92 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 171.50 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

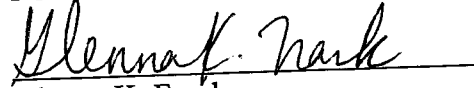
Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

DESCRIPTION APPROVED
[Signature]
11/27/09 15:57

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

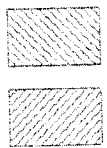
FORM APPROVED:

A handwritten signature in cursive script, reading "Glenna K. Frank", is written over a horizontal line.

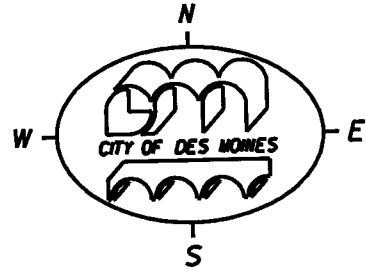
Glenna K. Frank
Assistant City Attorney

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AIRSPACE EASEMENT
 SUBSURFACE RIGHTS EASEMENT



**GENERAL DISPOSITION
 PRINCIPAL LIFE INSURANCE COMPANY
 ACTIVITY I.D. 34-2008-022**