

Date December 17, 2007

Disposition – Principal Life Insurance Company: Page 1

HOLD HEARING FOR VACATION AND CONVEYANCE OF AN AIR SPACE EASEMENT ABOVE PARK STREET, BETWEEN 7TH STREET AND VACATED 8TH STREET, TO PRINCIPAL LIFE INSURANCE COMPANY FOR \$594

WHEREAS, on August 6, 2007, by Roll Call No. 07-1508, 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 a private enclosed pedestrian sky bridge between a proposed new parking structure north of Park Street and Principal Life Insurance Company’s office building south of Park Street; 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 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 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 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 air space easement above Park Street, between 7th Street and vacated 8th Street, more specifically described as follows:

SKYWALK – AIR RIGHTS EASEMENT

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:

DESCRIPTION - REVIEWED
12/17/07
12/17/07 14:10

Date December 17, 2007

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" AND THE NORTH RIGHT-OF-WAY LINE OF SAID PARK STREET, 127.17 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°13'56" EAST, 66.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID PARK STREET; THENCE NORTH 89°25'43" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 18.00 FEET; THENCE NORTH 0°13'56" WEST, 66.01 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 18.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,188 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 103.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 85.92 FEET CITY DATUM AT THE NORTH END OF THE SKYWALK, AND WHICH IS BELOW A PLANE ELEVATION OF 103.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 85.42 FEET CITY DATUM AT THE SOUTH END OF THE SKYWALK. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.50 FEET CITY DATUM.

3. That the sale and conveyance of such air space easement, as described below, to Principal Life Insurance Company for \$594, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

SKYWALK – AIR RIGHTS EASEMENT

ALL OF THE VACATED 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" AND THE NORTH RIGHT-OF-WAY LINE OF SAID PARK STREET, 127.17 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°13'56" EAST, 66.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID PARK STREET; THENCE NORTH 89°25'43" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 18.00 FEET; THENCE NORTH 0°13'56" WEST, 66.01 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 18.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,188 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 103.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 85.92 FEET CITY DATUM AT THE NORTH END OF THE SKYWALK, AND WHICH IS BELOW A PLANE ELEVATION OF 103.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 85.42 FEET CITY DATUM AT THE SOUTH END OF THE SKYWALK. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.50 FEET CITY DATUM.

DESCRIPTION APPROVED
[Signature]
11/27/07 14:40

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Date December 17, 2007

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Easement 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

46

Date December 17, 2007

Disposition – Principal Life Insurance Company: Page 4

(Council Communication No. 745)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Handwritten initials

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and 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