

Date October 25, 2010

RESOLUTION SCHEDULING HEARING ON PROPOSED VACATION AND  
CONVEYANCE OF A PORTION OF THE SW 8TH STREET RIGHT-OF-WAY  
AT 309 SW 8TH STREET

WHEREAS, Hubbell Realty Company (hereinafter "Hubbell") is the owner of the warehouse building at 309 SW 8th Street and seeks to rehabilitate the building for residential use utilizing low-income housing tax credits; and,

WHEREAS, the building at 309 SW 8th Street encroaches into the adjoining right-of-way by a few inches, and Hubbell has requested that the City legalize the encroachment by vacating the portion of the SW 8th Street right-of-way described below and conveying to Hubbell an easement allowing the encroachment for the life of the building; and,

WHEREAS, the renovation of the warehouse building for residential use furthers the City's goals to preserve and create an environment which will protect the health, safety and general welfare of City residents and maintain taxable values within the downtown area, to encourage the development of affordable and market-rate housing in decent, safe and sanitary conditions in attractive settings to serve employees and other people who would like to live in the downtown area, to provide a variety of locations to serve the different housing markets within the downtown, and to encourage intensive and coordinated commercial and residential mixed-use development; 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 a portion of the SW 8th Street right-of-way adjoining , more specifically described as follows:

Beginning at the Northwest Corner of Lot 59, Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 74°(degrees) 12'(minutes) 41"(seconds) East, 6.80 feet along the North line of said Lot 59 to its intersection with the East line of SW 8<sup>th</sup> Street; thence North 15°22'28" West, 0.70 feet along the East line of SW 8<sup>th</sup> Street; thence South 74°12'41" West, 7.70 feet; thence South 15°16'00" East, 239.55 feet; thence North 74°44'00" East, 0.90 feet to the West line of said Lot 59 (which is also the East line of SW 8th Street); thence North 15°16'00" West, 238.86 feet along the West line of said Lot 59 to the Point of Beginning (containing 220 square feet, more or less).

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to sell and convey an *Easement for Building Encroachment* upon such vacated right-of-way to Hubbell Realty Company for a purchase price of \$1,200.00.

( continued)

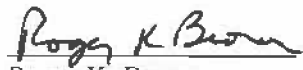
18

Date October 25, 2010

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such easement is to be considered shall be on November 8, 2010, said meeting to be held at 5:00 p.m., in the Council Chambers.
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.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\V&C\Riverpoint I.o.f.s\Vac & Easement.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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.

\_\_\_\_\_  
Mayor

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



**Legend**

 PROJECT LOCATION

**DISPOSITION-  
ENCROACHMENT EASEMENT -  
HUBBELL REALTY COMPANY**





6900 Westown Parkway  
West Des Moines, IA 50266  
www.hubbellrealty.com  
515-243-3228  
FAX 515-280-2000

October 20, 2010

Honorable Mayor T.M. Franklin Cownic and  
Members of the City Council of the City of Des Moines, Iowa  
City Hall  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

Hand Delivered

Re: Vacation and Conveyance of the portion of the S.W. 8<sup>th</sup> Street right-of-way that lies under the Sealy Mattress Building at 309 S.W. 8<sup>th</sup> Street in Des Moines, Iowa

Honorable Mayor Cownic and Council Members:

Hubbell Realty Company owns the land locally known as 309 S.W. 8<sup>th</sup> Street, on which the former Sealy Mattress Building is located, and which land is legally described as follows:

Lot 59 and the West 128 feet (measured perpendicular to the East line of S.W. 8<sup>th</sup> Street) of that part of Lot 60 lying immediately South of and adjacent to Lot 59, Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except that part deeded to the City of Des Moines, Iowa by that Warranty Deed filed for record in the Office of the Recorder for Polk County, Iowa on June 15, 1998 in Book 7931 at Page 732.

Riverpoint Lofts, LLLP, an affiliated entity, is to purchase this property and certain adjacent property from Hubbell Realty Company and to convert the Sealy Mattress Building into 91 affordable apartments for which it has been awarded Federal Low Income Housing Tax Credits by the Iowa Finance Authority. The attached Plat of Survey of this property reveals that the Sealy Mattress Building, originally built in 1902, encroaches into the S.W. 8<sup>th</sup> Street right-of-way by 0.4 feet (or about 5 inches) at the Northwest corner of the building and by 0.15 feet (or about 2 inches) at the Southwest corner of the building. In order to go forward with this project, we request the City of Des Moines, Iowa to vacate and convey the following described portion of the S.W. 8<sup>th</sup> Street right-of-way to Hubbell Realty Company:

Commencing at the Northwest Corner of Lot 59, Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 74°(degrees) 12'(minutes) 41"(seconds) East, 6.80 feet along the North line of said

18

Honorable Mayor M.T. Franklin Cownie and  
Members of the City Council of the City of Des Moines, Iowa  
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Page 2 of 2

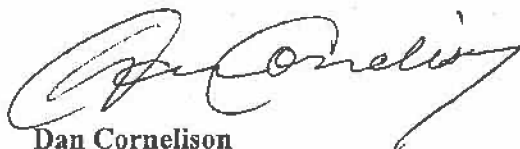
Lot 59 to its intersection with the East line of SW 8<sup>th</sup> Street; thence North 15°22'28" West, 0.70 feet along the East line of SW 8<sup>th</sup> Street; thence South 74°12'41" West, 7.70 feet; thence South 15°16'00" East, 239.55 feet; thence North 74°44'00" East, 0.90 feet to the West line of said Lot 59 (which is also the East line of SW 8<sup>th</sup> Street); thence North 15°16'00" West, 238.86 feet along the West line of said Lot 59 to the Point of Beginning, containing 220 square feet, more or less.

In order to keep this project on schedule, we request that the City Council waive readings and adopt the vacation ordinance at the first City Council meeting at which it considers such ordinance.

If you have any questions or need any further information, please contact me. Thank you for your consideration of this request.

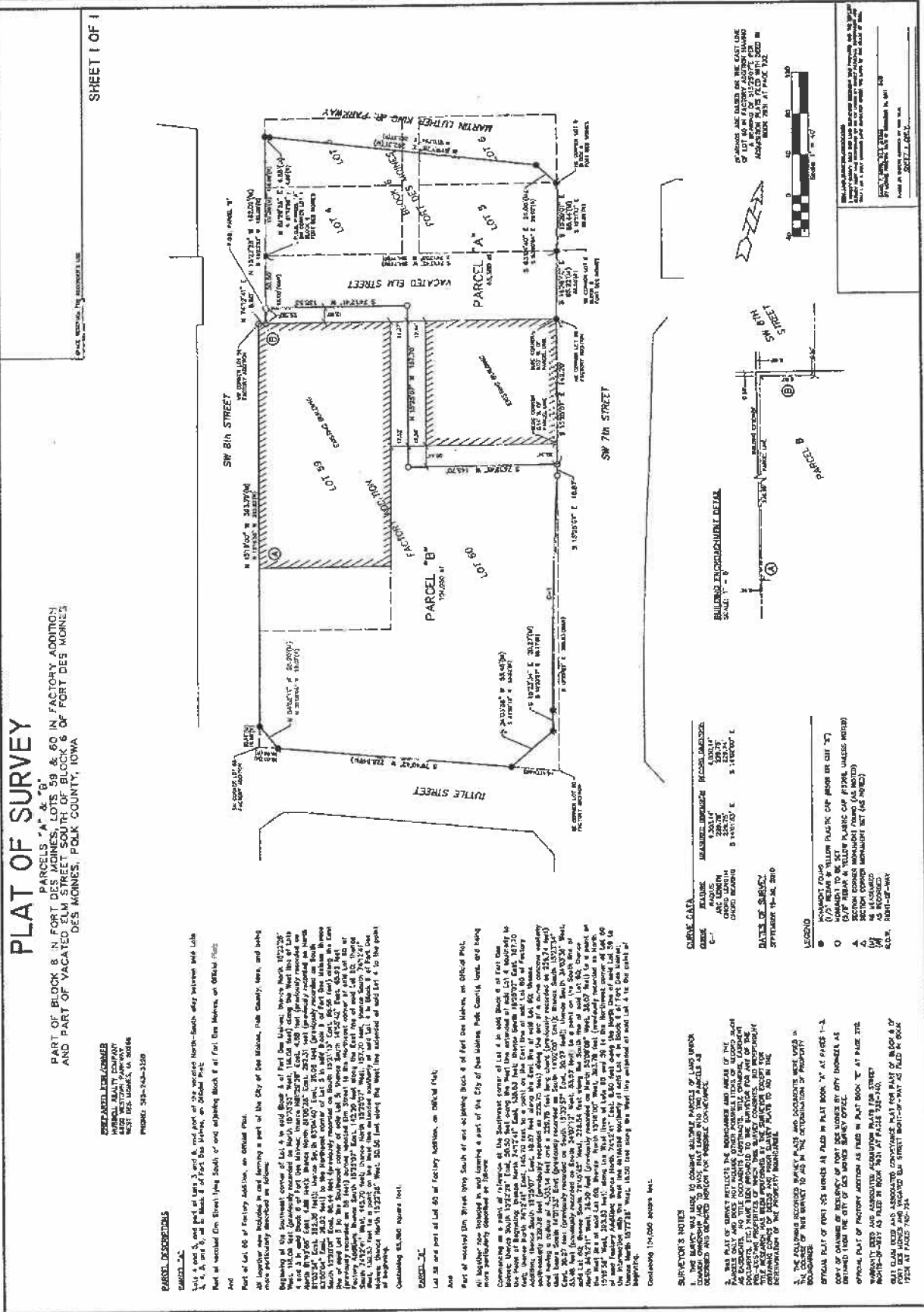
Very truly yours,

**HUBBELL REALTY COMPANY**



**Dan Cornelison**  
Vice President, Secretary and General Counsel  
Telephone: (515) 280-2051  
Facsimile: (515) 280-2000  
E-mail: [dan.cornelison@hubbellrealty.com](mailto:dan.cornelison@hubbellrealty.com)

CC: Roger Brown via e-mail  
Rick Clark via e-mail



**PLAT OF SURVEY**

**PARCELS "A" & "B"**

**PART OF BLOCK 8 IN FORT DES MOINES, LOTS 59 & 60 IN FACTORY ADDITION AND PART OF VACATED ELM STREET, BLOCK 6 OF FORT DES MOINES, DES MOINES, POLK COUNTY, IOWA**

**PREPARED FOR OWNER**

FRG

1400 WEST 17TH AVENUE

DES MOINES, IOWA 50319

PHONE: 515-281-3100

**PARCEL DESCRIPTIONS**

**PARCEL "A"**

Lot 5, east 1/2, and part of Lots 3, east 1/2, and part of the vacated North-South alley between 6th and 7th streets, east 1/2, and part of the block of Fort Des Moines, on 6th Street, east of vacated Elm Street, lying South of and adjoining Block 6 of Fort Des Moines, on 6th Street, and

Part of Lot 60 of Factory Addition, an official Plat.

Containing 194,000 square feet.

**PARCEL "B"**

Lot 5, east 1/2, and part of Lots 3, east 1/2, and part of the vacated North-South alley between 6th and 7th streets, east 1/2, and part of the block of Fort Des Moines, on 6th Street, east of vacated Elm Street, lying South of and adjoining Block 6 of Fort Des Moines, on 6th Street, and

Part of Lot 60 of Factory Addition, an official Plat.

Containing 194,000 square feet.

**PARCEL "C"**

Lot 5, east 1/2, and part of Lots 3, east 1/2, and part of the vacated North-South alley between 6th and 7th streets, east 1/2, and part of the block of Fort Des Moines, on 6th Street, east of vacated Elm Street, lying South of and adjoining Block 6 of Fort Des Moines, on 6th Street, and

Part of Lot 60 of Factory Addition, an official Plat.

Containing 194,000 square feet.

**PARCEL "D"**

Lot 5, east 1/2, and part of Lots 3, east 1/2, and part of the vacated North-South alley between 6th and 7th streets, east 1/2, and part of the block of Fort Des Moines, on 6th Street, east of vacated Elm Street, lying South of and adjoining Block 6 of Fort Des Moines, on 6th Street, and

Part of Lot 60 of Factory Addition, an official Plat.

Containing 194,000 square feet.

**PARCEL "E"**

Lot 5, east 1/2, and part of Lots 3, east 1/2, and part of the vacated North-South alley between 6th and 7th streets, east 1/2, and part of the block of Fort Des Moines, on 6th Street, east of vacated Elm Street, lying South of and adjoining Block 6 of Fort Des Moines, on 6th Street, and

Part of Lot 60 of Factory Addition, an official Plat.

Containing 194,000 square feet.

**CURVE DATA**

CURVE	BEARING	MEASURED DISTANCE	RECORD NUMBER
1	S 10° 02' 00" E	100.00	100.00
2	S 10° 02' 00" E	100.00	100.00
3	S 10° 02' 00" E	100.00	100.00
4	S 10° 02' 00" E	100.00	100.00
5	S 10° 02' 00" E	100.00	100.00

**DATES OF SURVEY**

SEPTEMBER 19-20, 2010

**LEGEND**

- 1. MONUMENT POINTS
- 2. 1/4" RED AND YELLOW PLASTIC CAP PINS OR CIP "X"
- 3. 1/4" ALUMINUM PINS
- 4. SECTION CORNER MONUMENT POINTS (AS NOTED)
- 5. SECTION CORNER MONUMENT POINTS (NOT NOTED)
- 6. 1/4" ALUMINUM PINS
- 7. 1/4" ALUMINUM PINS
- 8. 1/4" ALUMINUM PINS
- 9. 1/4" ALUMINUM PINS
- 10. 1/4" ALUMINUM PINS

**SURVEYOR'S NOTES**

1. THE FOLLOWING DESCRIBED PARCELS AND DOCUMENTS WERE USED IN THE PREPARATION OF THIS SURVEY TO AD IN THE DETERMINATION OF PROPERTY BOUNDARIES AND TO DETERMINE THE LOCATION OF THE PARCELS AS DESCRIBED AND DEPICTED HEREON FOR PUBLIC CONSUMPTION.

2. THIS PLAT OF SURVEY REFLECTS THE DIMENSIONS AND AREAS OF THE PARCELS ONLY AND DOES NOT MAKE ANY REPRESENTATION OF RECORDS OR DOCUMENTS THAT HAVE BEEN PROVIDED TO THE SURVEYOR FOR ANY OF THE REASONS LISTED ABOVE. THE SURVEYOR HAS REVIEWED THE RECORDS AND CERTAIN COPIES OF RECORDS AND HAS FOUND THEM TO BE CORRECT AND ACCURATE. THE SURVEYOR HAS REVIEWED THE RECORDS AND CERTAIN COPIES OF RECORDS AND HAS FOUND THEM TO BE CORRECT AND ACCURATE.

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4. THE FOLLOWING DESCRIBED PARCELS AND DOCUMENTS WERE USED IN THE PREPARATION OF THIS SURVEY TO AD IN THE DETERMINATION OF PROPERTY BOUNDARIES AND TO DETERMINE THE LOCATION OF THE PARCELS AS DESCRIBED AND DEPICTED HEREON FOR PUBLIC CONSUMPTION.

**FRG**

1400 WEST 17TH AVENUE

DES MOINES, IOWA 50319

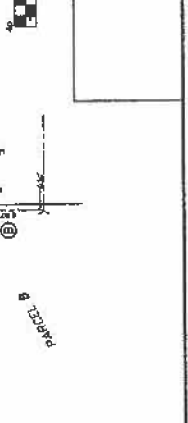
PHONE: 515-281-3100

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**SCALE**

1" = 100'

0 50 100 150 200

Feet

**NOTES**

1. MONUMENT POINTS

2. 1/4" RED AND YELLOW PLASTIC CAP PINS OR CIP "X"

3. 1/4" ALUMINUM PINS

4. SECTION CORNER MONUMENT POINTS (AS NOTED)

5. SECTION CORNER MONUMENT POINTS (NOT NOTED)

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**DATE OF SURVEY**

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**Vacation and Conveyance of an  
Easement for Building Encroachment  
at 309 SW 9th Street  
to Hubbell Realty Company**

