

Date May 20, 2013

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION OF PORTIONS OF WALNUT, 7th AND 8th STREETS ADJOINING THE YOUNKERS BUILDING AT 713 WALNUT STREET AND THE CONVEYANCE OF AN EASEMENT UPON SUCH VACATED RIGHTS-OF-WAY TO LEGALIZE THE EXISTING BUILDING ENCROACHMENTS

WHEREAS, the Younkens Building at 713 Walnut Street was constructed in 1899 with a basement that extends under the adjoining public sidewalks along Walnut, 7th and 8th Streets, with building encroachments at the ground level that extend into the adjoining public rights-of-way, and with architectural projections that encroach into the air rights over the adjoining public rights-of-way; and,

WHEREAS, the building encroachments have previously been allowed under authority of a series of temporary areaway permits that require annual administration and renewal; and,

WHEREAS, the Younkens Building is currently owned by NMI YB, LLC, and it has requested that the City vacate the rights-of-way occupied by the building encroachments, and convey it an easement for the continued use, maintenance and repair of the existing building encroachments for the remaining life of the building; and,

WHEREAS, the portions of the public right-of-way occupied by the building encroachments have not been used for public purposes for over 100 years, and the vacation of those areas will have no impact upon the continued use of the adjoining public rights-of-way; 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 those portions of the rights-of-way of Walnut, 7th and 8th Streets occupied by the existing encroachments from the Younkens Building at 713 Walnut Street.
2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to convey an easement to NMI YB, LLC, or its designee, for the continued use, maintenance and repair of the existing encroachments from the Younkens Building into the vacated rights-of-way, for the remaining life of the Younkens Building.
3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement is to be considered shall be on June 10, 2013, said meeting to be held at 5:00 p.m., in the Council Chambers.

Date May 6, 2013

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

Roger K. Brown

Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Vacate\Bldg Encroach\Younders Bldg\RC Set Hrg.doc

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