

Date June 10, 2013

**HEARING FOR VACATION AND CONVEYANCE OF EASEMENT FOR USE OF AIR SPACE  
OVER A SEGMENT OF 8<sup>TH</sup> STREET BETWEEN PARK STREET AND PLEASANT STREET  
TO PRINCIPAL LIFE INSURANCE COMPANY FOR \$6,550**

**WHEREAS**, on May 20, 2013, by Roll Call No. 13-0795, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air rights over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street, hereinafter more fully described, be vacated to allow for a private enclosed pedestrian sky bridge that would cross diagonally within said air space and connect the buildings located at 600 7<sup>th</sup> Street and 650 8<sup>th</sup> Street; and

**WHEREAS**, Principal Life Insurance Company (“Principal”) is the owner of the real property locally known as 600 7<sup>th</sup> Street and 650 8<sup>th</sup> Street which abuts said City-owned air space, and Principal has offered to the City of Des Moines the purchase price of \$6,550.00 for the vacation and purchase of an easement interest in such air space for construction and maintenance of the proposed private sky bridge to connect Principal’s properties, which purchase price reflects the fair market value of the easement as currently estimated by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the air space proposed to be vacated and conveyed by easement, and the City will not be inconvenienced by the vacation and conveyance of said property interest; and

**WHEREAS**, on May 20, 2013, by Roll Call No. 13-0796, it was duly resolved by the City Council that the proposed vacation and conveyance of such easement be set down for hearing on June 10, 2013, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey the easement for use of air space 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any objections to said proposed vacation and conveyance of the easement for use of air space as described below are hereby overruled, and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a portion of air space over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street, more specifically described as follows, and said vacation is hereby approved:

Date June 10, 2013

ALL OF THE AIR SPACE FOR THAT PART OF 8<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING PARCEL D (AS RECORDED IN BOOK 13515 AT PAGE 580) OF PART OF LOTS 1, 2, AND 3 OF KEOSAUQUA WAY PLAT NO. 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL D; THENCE SOUTH 89°(DEGREES) 35'(MINUTES) 48"(SECONDS) EAST ALONG THE NORTH LINE OF SAID PARCEL D AND THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF PARK STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 12.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 8<sup>TH</sup> STREET AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 91.59 FEET WESTERLY OF THE NORTHEAST CORNER OF LOT 1, IN SAID KEOSAUQUA WAY PLAT NO. 1; THENCE SOUTH 08°56'39" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 88.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 08°56'39"EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 8TH STREET, A DISTANCE OF 30.92 FEET; THENCE SOUTH 88°28'08" WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 0.88 FEET; THENCE SOUTH 34°50'12" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 1.94 FEET; THENCE SOUTH 08°55'46" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 3.13 FEET; THENCE SOUTH 29°09'17"WEST, A DISTANCE OF 118.91 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET; THENCE NORTH 08°50'20"WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 35.74 FEET; THENCE NORTH 29°09'17"EAST, A DISTANCE OF 118.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,615 S.F.) WHICH IS BELOW A PLANE ELEVATION OF 103.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 83.48 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING 61.50 FEET CITY DATUM.

3. That the sale and conveyance of an easement in such vacated air space as described below to Principal Life Insurance Company for \$6,550, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved with closing subject to design and site plan approval in accordance with the terms of the development agreement between the City and Principal Life Insurance Company:

**AIR SPACE EASEMENT**

ALL OF THE VACATED AIR SPACE FOR THAT PART OF 8<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING PARCEL D (AS RECORDED IN BOOK 13515 AT PAGE 580) OF PART OF LOTS 1, 2, AND 3 OF KEOSAUQUA WAY PLAT NO. 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

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**Date** June 10, 2013

A DISTANCE OF 1.94 FEET; THENCE SOUTH 08°55'46" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 3.13 FEET; THENCE SOUTH 29°09'17" WEST, A DISTANCE OF 118.91 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET; THENCE NORTH 08°50'20" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 35.74 FEET; THENCE NORTH 29°09'17" EAST, A DISTANCE OF 118.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,615 S.F.) WHICH IS BELOW A PLANE ELEVATION OF 103.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 83.48 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING 61.50 FEET CITY DATUM.

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 said air space portion of 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 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 following closing.

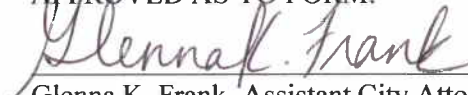
6. Upon design and site plan approval in accordance with the terms of the development agreement between the City and Principal Life Insurance Company, the Real Estate Division Manager is authorized and directed to close on the sale and forward the original of the Easement, together with a certified copy of this resolution and of the affidavit of publication of 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 shall be deposited into the following account: Fund: SP767, Org: ENG980500.

(Council Communication No. 13-\_\_\_\_\_)

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Glenna K. Frank, Assistant City Attorney

Moved by \_\_\_\_\_ to adopt.

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

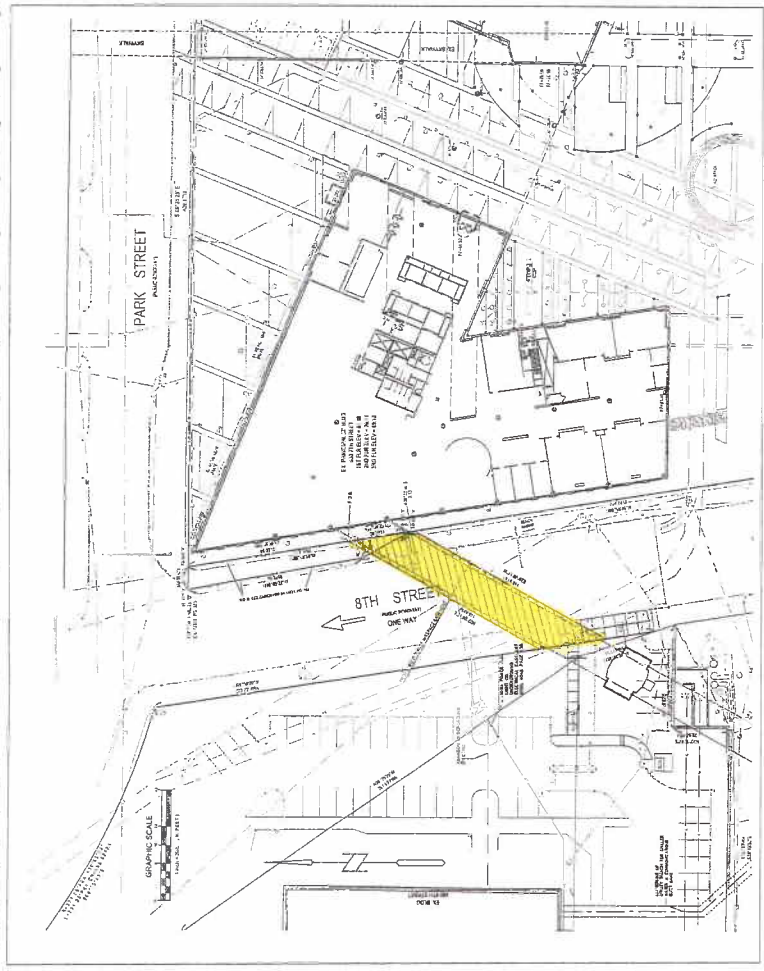
\_\_\_\_\_ City Clerk



**QIPIN ARCHITECTS**  
 1000 15TH AVENUE N.W.  
 SUITE 1000  
 SEASIDE, ALABAMA 36586  
 TEL: (334) 557-8888  
 FAX: (334) 557-8889  
 WWW.QIPINARCHITECTS.COM  
 QIPIN ARCHITECTS  
 1000 15TH AVENUE N.W.  
 SUITE 1000  
 SEASIDE, ALABAMA 36586  
 TEL: (334) 557-8888  
 FAX: (334) 557-8889  
 WWW.QIPINARCHITECTS.COM

DATE: 11/20/2013  
 PROJECT: 13-100015-001  
 SHEET: 13-100015-001-01  
 DRAWN BY: J. S. [unreadable]  
 CHECKED BY: J. S. [unreadable]  
 APPROVED BY: J. S. [unreadable]  
 TITLE: AIRSPACE EASEMENT  
 SCALE: AS SHOWN  
 NORTH ARROW  
 GRAPHIC SCALE  
 1" = 100'-0"

PLANNING DEPARTMENT 2013/11/20 10:00 AM 11/20/2013 10:00 AM 11/20/2013

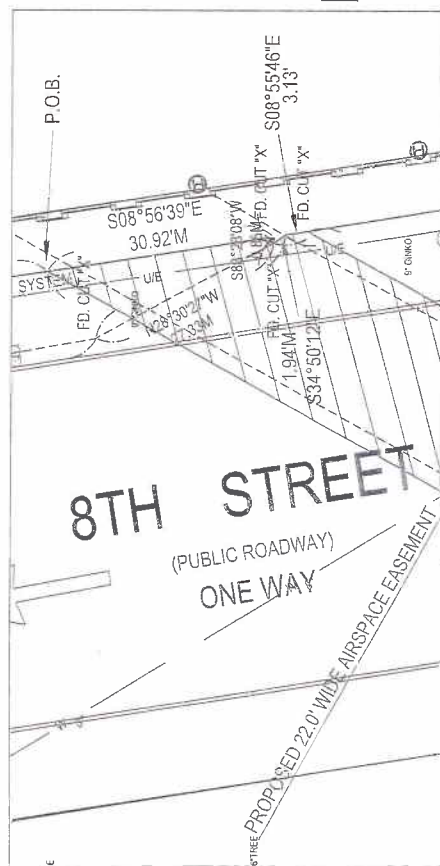


# EASEMENT DETAIL

GRAPHIC SCALE  
 1" = 100'-0"  
 NORTH ARROW

**AIR SPACE EASEMENT**

ALL OF THE AIRSPACE ABOVE THE SURFACE OF THE EARTH WITHIN THE BOUNDARIES OF THE AIRSPACE EASEMENT IS HEREBY SET ASIDE AND RESERVED TO THE CITY OF SEASIDE, ALABAMA, FOR THE USE OF THE PUBLIC. THIS AIRSPACE EASEMENT SHALL BE VALID AND ENFORCEABLE IN AND TO THE CITY OF SEASIDE, ALABAMA, AND SHALL NOT BE SUBJECT TO ANY OTHER CLAIM OR INTEREST. THE AIRSPACE EASEMENT SHALL BE VALID AND ENFORCEABLE IN AND TO THE CITY OF SEASIDE, ALABAMA, AND SHALL NOT BE SUBJECT TO ANY OTHER CLAIM OR INTEREST.



May 17, 2013

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 16, 2013, the following action was taken regarding a request from Principal Financial Group for vacation of a portion of the air rights over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee				X
Mike Simonson	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** for vacation of a portion of the air rights over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street, to allow for a 263-foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way, connecting the buildings located at 600 7<sup>th</sup> Street (Corporate 4) and 650 8<sup>th</sup> Street (Corporate 2). (11-2013-1.08)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation of air rights.



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to develop a private pedestrian bridge over 8<sup>th</sup> Street that would connect the Corporate 4 (600 7<sup>th</sup> Street) and Corporate 2 (650 8<sup>th</sup> Street) buildings of the campus.
2. **Size of Site:** Covering approximately 2,615 square feet of land area over the 8<sup>th</sup> Street right-of-way; from a plane approximately 22 feet above grade to a plane approximately 42 feet above grade elevation consuming approximately 52,352 cubic feet of airspace within the right-of-way.
3. **Existing Zoning (site):** "C-3" Central Business District Commercial District and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** 8<sup>th</sup> Street right-of-way.
5. **Adjacent Land Use and Zoning:**

*East* – "C-3"; Use is 8-story "Corporate 4" (600 7<sup>th</sup> Street) office building for Principal Financial Group.

*West* – "C-3"; Uses are a 5-story office building for Principal Financial Group at 680 8<sup>th</sup> Street and an 11-story "Corporate 2" office building for Principal Financial Group at 650 8<sup>th</sup> Street.

6. **General Neighborhood/Area Land Uses:** The subject property is located at the northern edge of the downtown central business district.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on April 26, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2013 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the right-of-way requested to be vacated. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on May 10, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Downtown Des Moines Neighborhood notices were mailed to Jonathan Brendemuehl, Downtown Des Moines, 19 4<sup>th</sup> Street, #108, Des Moines, IA 50309.

8. **2020 Community Character Land Use Plan Designation:** Downtown: Intensive, Mixed Use Office/Residential.

9. **Applicable Regulations:** The Commission reviews all proposals to vacate land or air rights dedicated for a specific public purpose, such as for streets and parks, to determine whether the land or air rights are still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** There are Des Moines Waterworks public water and City of Des Moines storm sewer mains passing beneath the surface of 8<sup>th</sup> Street below the request air rights. In addition, there is a MidAmerican Energy gas and electric vault below the private property west of the proposed vacation within an easement area. The applicant is revising design of the air bridge pier footings to avoid encroachment into right-of-way recently transferred from the applicant to the City on the east. No reservation of easements within the requested air space is necessary in order to allow these existing utilities to be maintained.
2. **Street System:** The requested air rights vacation will not impact the traveled portion of the street. The design gives adequate clearance for all over the road and emergency vehicles that would require use of 8<sup>th</sup> Street. There are no anticipated changes to the surrounding street network, other than temporary closures during construction of the proposed air bridge.

## SUMMARY OF DISCUSSION

*There was no discussion.*

## CHAIRPERSON OPENED THE PUBLIC HEARING

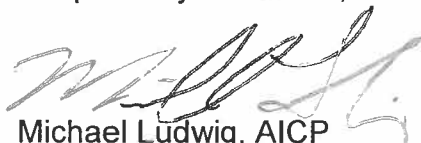
*There was no one to speak in favor or in opposition of the applicant's request.*

## COMMISSION ACTION:

Greg Jones moved to approve the requested vacation of a portion of the air rights over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street, to allow for a 263-foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way, connecting the buildings located at 600 7th Street (Corporate 4) and 650 8th Street (Corporate 2).

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

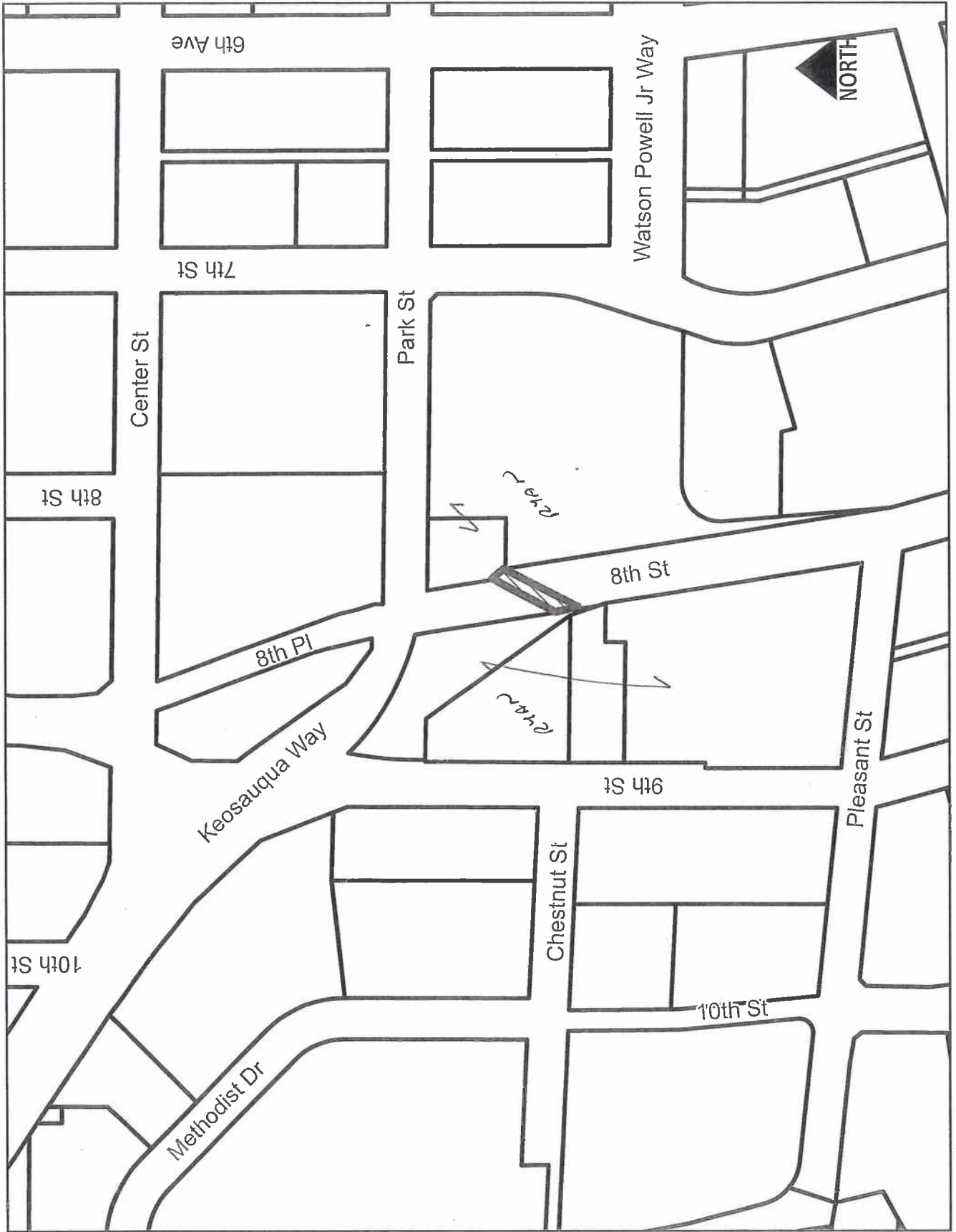
Request from Principal Financial Group for vacation of a portion of the air rights over a segment of 8 <sup>th</sup> Street between Park Street and Pleasant Street.				<b>File #</b>	
				11-2013-1.08	
<b>Description of Action</b>	Approval for vacation of a portion of the air rights over a segment of 8 <sup>th</sup> Street between Park Street and Pleasant Street, to allow for a 263-foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way, connecting the buildings located at 600 7 <sup>th</sup> Street (Corporate 4) and 650 8 <sup>th</sup> Street (Corporate 2).				
<b>2020 Community Character Plan</b>	High Amenity Office/Institutional (current & proposed)				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"C-3" Central Business District Commercial District				
<b>Proposed Zoning District</b>	"C-3" Central Business District Commercial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Principal Financial Group - Air Rights on 8th St south of Park St 11-2013-1.08





Principal Financial Group - Air Rights on 8th St south of Park St 11-2013-1.08



Item 11-2013-1.08 Date 5/10/2013

I (am) (am not) in favor of the request.

(Circle One)

Print Name LARRY BROSKAW

Signature [Handwritten Signature]

Address 418 6<sup>th</sup> AVE STE 902 50309

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DOWN TOWN BILBAO HOOD ASSOC.