

Date April 20, 2015

**HOLD HEARING FOR VACATION OF AIR SPACE, SURFACE AND
SUBSURFACE RIGHTS ADJOINING 222 5TH AVENUE AND CONVEYANCE OF
EASEMENTS TO POLK COUNTY FOR \$1**

WHEREAS, Polk County, Iowa ("Polk County") is the owner of the real property locally known as 222 5th Avenue, formerly used as the Polk County Convention Center; and

WHEREAS, Polk County has requested the vacation of portions of Mulberry Street, 5th Avenue and Walnut Street rights-of-way adjoining 222 5th Avenue, and has requested that the City convey easement interests in air rights, surface rights and subsurface rights in the vacated rights-of-way to Polk County in accordance with Iowa Code Section 364.7(3) for the public purposes of property redevelopment and use, as consideration for acquisition of said easement interests for the Polk County Justice Center operations; and

WHEREAS, the easements in the City rights-of-way proposed to be vacated and conveyed have been determined by the City Engineer and City Traffic Engineer to have no significant impact on public access, and the City will not be inconvenienced by the vacation of said rights-of-way and the conveyance of said easements; and

WHEREAS, on April 6, 2015, by Roll Call No. 15-0578, it was duly resolved by the City Council that the proposed vacation and conveyance of the easement interests be set down for hearing on April 20, 2015, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey easement interests in 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, any and all objections to said proposed vacation and conveyance of easement interests in the public right-of-way, 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 portions of Mulberry Street, 5th Avenue and Walnut Street rights-of-way adjoining 222 5th Avenue, more specifically described as follows:

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AIR RIGHTS - BUILDING CANOPIES

AREA 1

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 30.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EAST LINE, 9.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 9.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 44.70 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 43.70 FEET CITY DATUM, CURRENT GROUND ELEVATION 33.7 FEET.

AREA 2

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 105.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EAST LINE, 9.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 9.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 44.90 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 43.90 FEET CITY DATUM, CURRENT GROUND ELEVATION 33.9 FEET.

AREA 3

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 44.10 FEET CITY DATUM, CURRENT GROUND ELEVATION 34.2 FEET.

AIR RIGHTS - BUILDING FACADE

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 4 OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 74°12'44" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.82 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 14; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 282.66 FEET TO THE NORTHEASTERLY CORNER OF SAID BLOCK 14; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.93 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 14; THENCE SOUTH 74°12'30" WEST ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 14, A DISTANCE OF 4.00 FEET; THENCE NORTH 15°26'19" WEST, 4.00 FEET; THENCE NORTH 74°12'30" EAST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 153.93 FEET; THENCE SOUTH 15°25'01"EAST, 290.66 FEET; THENCE SOUTH 74°12'44" WEST, 153.82 FEET; THENCE SOUTH 74°10'00" WEST, 4.00 FEET; THENCE NORTH 15°26'19" WEST, 4.00 FEET TO THE SOUTHERLY LINE OF SAID BLOCK 14; THENCE NORTH 74°10'00" EAST ALONG SAID SOUTHERLY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,394 SF) WHICH IS BELOW A PLANE ELEVATION OF 96.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 47.10 FEET CITY DATUM, CURRENT GROUND ELEVATION RANGE BETWEEN 33.8 - 34.5 FEET.

ENCROACHMENT

A PART OF THE RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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Date April 20, 2015

ENCROACHMENT - DOOR OPENING

AREA 1 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 30.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 4.50 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 4.50 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

AREA 2 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 108.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 4.50 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 4.50 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

AREA 3 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 145.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 20.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 20.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 80 S.F.

Date April 20, 2015

AREA 4 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 254.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 8.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 8.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 32 S.F.

AREA 5 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF MULBERRY STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°12'44" WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.26 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°47'16" EAST, 4.00 FEET; THENCE SOUTH 74°12'44" WEST, 4.50 FEET; THENCE NORTH 15°47'16" WEST, 4.00 FEET TO SAID SOUTHERLY LINE; THENCE NORTH 74°12'44" EAST ALONG SAID SOUTHERLY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

AREA 6 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

AREA 7 - ENCROACHMENT

THAT PART OF THE RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

Date April 20, 2015

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 140.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

SUBSURFACE ENCROACHMENT

A PART OF THE RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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3. That the conveyance of such easement interests in air rights, surface rights and subsurface rights in the vacated rights-of-way, all as legally described as follows, to Polk County in accordance with Iowa Code Section 364.7(3) for the public purposes of property redevelopment and use, as consideration for acquisition of said easement interests for the Polk County Justice Center operations, be and is hereby approved subject to final passage of an ordinance vacating such rights:

AIR RIGHTS EASEMENT - BUILDING CANOPIES

AREA 1 - AIR RIGHTS EASEMENT

ALL OF THE AIR SPACE FOR THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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WEST ALONG SAID EAST LINE, 9.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 9.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 44.70 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 43.70 FEET CITY DATUM, CURRENT GROUND ELEVATION 33.7 FEET.

AREA 2 - AIR RIGHTS EASEMENT

ALL OF THE AIR SPACE FOR THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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AREA 3 - AIR RIGHTS EASEMENT

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AIR RIGHTS EASEMENT - BUILDING FACADE

ALL OF THE AIR SPACE FOR THAT PART OF VACATED RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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ENCROACHMENT EASEMENT

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ENCROACHMENT - DOOR OPENING

AREA 1 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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AREA 2 - ENCROACHMENT EASEMENT

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AREA 3 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 145.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 20.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 20.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 80 S.F.

AREA 4 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF 5TH AVENUE LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 254.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°25'01" WEST ALONG SAID EASTERLY LINE, 8.00 FEET; THENCE NORTH 74°34'59" EAST, 4.00 FEET; THENCE SOUTH 15°25'01" EAST, 8.00 FEET; THENCE SOUTH 74°34'59" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 32 S.F.

Date April 20, 2015

AREA 5 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF MULBERRY STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°12'44" WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.26 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°47'16" EAST, 4.00 FEET; THENCE SOUTH 74°12'44" WEST, 4.50 FEET; THENCE NORTH 15°47'16" WEST, 4.00 FEET TO SAID SOUTHERLY LINE; THENCE NORTH 74°12'44" EAST ALONG SAID SOUTHERLY LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

AREA 6 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 112.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

AREA 7 - ENCROACHMENT EASEMENT

THAT PART OF VACATED RIGHT-OF-WAY OF WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 140.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°10'07" WEST ALONG SAID NORTHERLY LINE, 8.00 FEET; THENCE NORTH 15°49'53" WEST, 4.00 FEET; THENCE NORTH 74°10'07" EAST, 8.00 FEET; THENCE SOUTH 15°49'53" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 18 S.F.

SUBSURFACE ENCROACHMENT EASEMENT

A PART OF THE VACATED RIGHT-OF-WAY OF MULBERRY STREET, 5TH AVE AND WALNUT STREET LYING ADJACENT TO BLOCK 14 OF THE ORIGINAL TOWN OF FORT DES MOINES, NOW INCLUDED

Date April 20, 2015

IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 4 OF SAID BLOCK 14 OF ORIGINAL TOWN OF FORT DES MOINES; THENCE NORTH 74°12'44" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.82 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 14; THENCE NORTH 15°25'01" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 14, A DISTANCE OF 282.66 FEET TO THE NORTHEASTERLY CORNER OF SAID BLOCK 14; THENCE SOUTH 74°10'07" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 14, A DISTANCE OF 149.93 FEET TO THE NORTHEASTERLY CORNER OF LOT 1 OF SAID BLOCK 14; THENCE NORTH 15°26'19" WEST ALONG THE EASTERLY LINE OF SAID LOT 1 EXTENDED NORTHEASTERLY, 11.00 FEET; THENCE NORTH 74°10'07" EAST, 158.13 FEET; THENCE SOUTH 15°25'01" EAST, 301.86 FEET; THENCE SOUTH 74°12'44" WEST, 158.02 FEET TO THE EASTERLY LINE OF SAID LOT 4 EXTENDED SOUTHEASTERLY; THENCE NORTH 15°26'19" WEST ALONG SAID EASTERLY LINE OF LOT 4 EXTENDED SOUTHEASTERLY, 8.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.12 ACRES (5,353 SF).

4. The Mayor is authorized and directed to sign the Easements for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature upon final passage of an ordinance vacating said described air rights, surface rights and subsurface rights-of-way.
5. Upon final passage of an ordinance vacating said described air rights, surface rights and subsurface rights-of-way, the City Clerk is authorized and directed to forward the original of the Easements, 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(s), 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(s) and copies of the other documents to the grantee.

★ **Roll Call Number**

Agenda Item Number

39

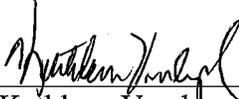
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Date April 20, 2015

8. There will be no proceeds associated with the conveyance of this property.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Kathleen Vanderpool
 Deputy City Attorney

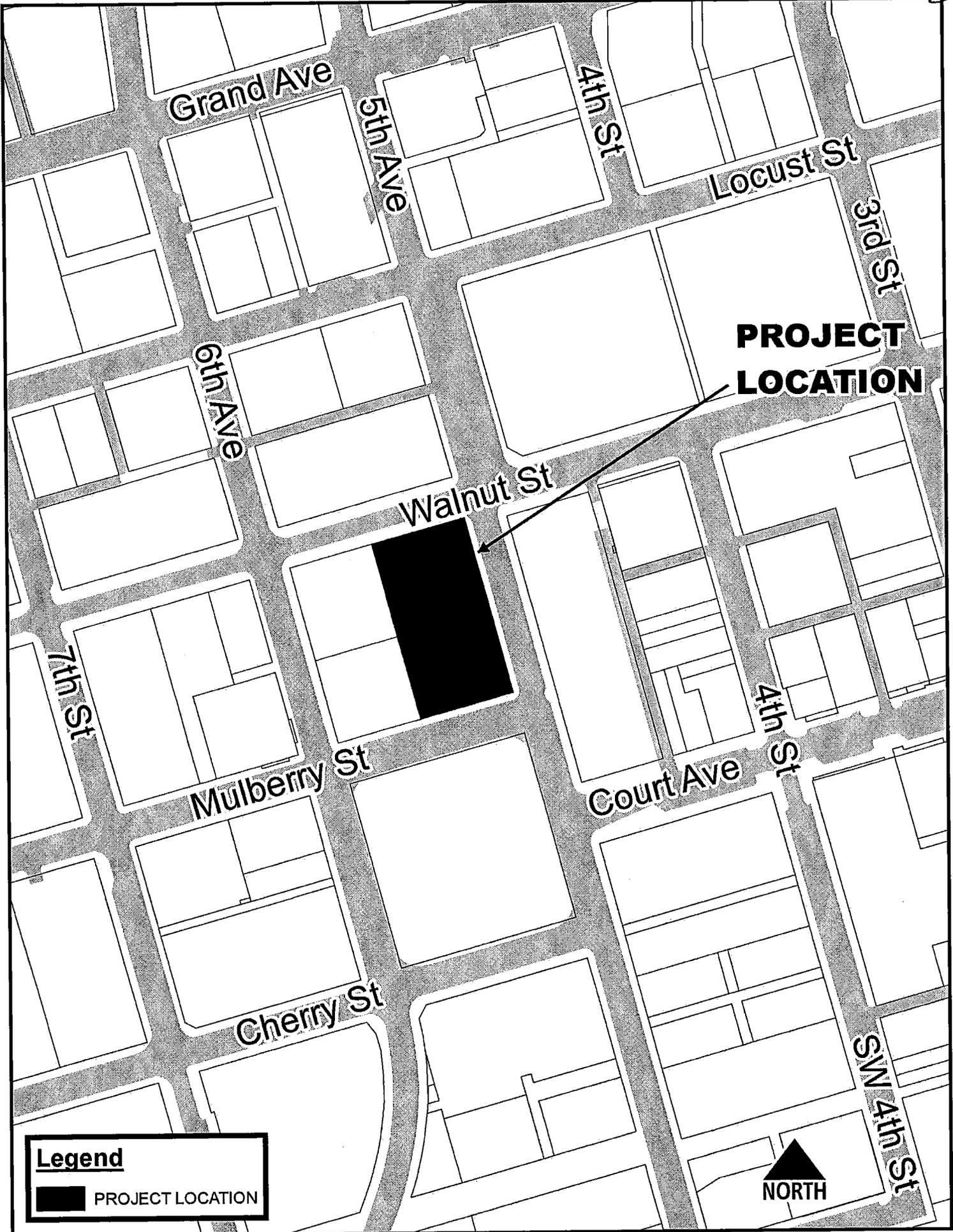
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

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



**PROJECT
LOCATION**

Legend

 PROJECT LOCATION

