

Date July 13, 2015

**SET HEARING FOR VACATION OF A PORTION OF EAST MARKET STREET RIGHT-OF-WAY ADJOINING 111 SE 7TH STREET AND FOR CONVEYANCE OF A BUILDING ENCROACHMENT EASEMENT TO THOMAS A. PIKE FOR \$1,500**

**WHEREAS**, on June 18, 2015, the City Plan and Zoning Commission voted to approve a request from Thomas A. Pike to vacate a portion of East Market Street adjoining 111 SE 7th Street (herein "City Right-of-Way"), to accommodate an existing building encroachment, and on July 13, 2015, the City Council of the City of Des Moines by Roll Call No \_\_\_\_\_, received and filed said recommendation from the Plan and Zoning Commission; and

**WHEREAS**, Thomas A. Pike is the owner of the real property locally known as 111 SE 7th Street, which property abuts the City Right-of-Way, and has offered to the City of Des Moines the purchase price of \$1,500.00 for the vacation of the City Right-of-Way and purchase of a building encroachment easement interest in the City Right-of-Way to accommodate an existing building encroachment into and upon the City Right-of-Way, 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 City Right-of-Way proposed to be vacated, and the City will not be inconvenienced by the vacation and conveyance of a building encroachment easement interest in said property as described herein.

**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 SE Market Street right-of-way adjoining 111 SE 7th Street, legally described as follows:

THE NORTH 35 FEET OF EAST MARKET STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING EAST 60 FEET OF THE WEST 90 FEET OF BLOCK 19, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council decides to vacate the above-described right-of-way, the City of Des Moines proposes to convey a building encroachment easement in such vacated right-of-way to Thomas A. Pike for \$1,500.00, subject to all conditions set forth in the Plan and Zoning Commission recommendation.

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 July 27, 2015, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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 Section 362.3 of the Iowa Code.

★ **Roll Call Number**

**Agenda Item Number**

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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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

APPROVED AS TO FORM:



Lisa A. Wieland  
Assistant City Attorney

PSW

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

**EXHIBIT A**

**BLOCK 19  
TOWN OF DE MOINE**

West Line  
of Block 19

South Line  
of Block 19

SE 7th St

30 ft

35 ft

60 ft

E Market St

**Legend**  
■ PROJECT LOCATION

