

★ **Roll Call Number**

Agenda Item Number

49B

Date January 25, 2016

An Ordinance entitled, "AN ORDINANCE vacating a segment of East Martin Luther King, Jr. Parkway adjoining 504 Southeast 6th Street",


which was considered and voted upon under Roll Call No. 16-_____ of January 25, 2016; again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by Jeffrey A. Craig, Attorney for Buchanan Holdings, LLC.

FORM APPROVED:


 Lisa A. Wieland
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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



FINLEY

LAW FIRM

finleylaw.com

515 288 0145 P
515 288 2724 F

699 Walnut Street Suite 1700 Des Moines, Iowa 50309

49B

SENDER'S EMAIL

jcraig@finleylaw.com

January 13, 2016

City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

- Thomas A. Finley
- Steven K. Scharnberg
- David C. Craig
- John D. Hilmes
- R. Todd Gaffney
- Kermit B. Anderson
- Kevin J. Driscoll
- Connie L. Diekema
- Frederick T. Harris
- Stacie M. Codr
- Robert L. Johnson
- Eric G. Hoch
- Erik P. Bergeland
- James S. Blackburn
- Megan Kennedy Marty
- Jeffrey A. Craig
- Kellen B. Bubach
- Andrew T. Patton
- Aaron J. Redinbaugh

RE: Permanent Easement for Building Encroachment at Lot 10, Block 46, Town of De Moine, City of Des Moines, Polk County, Iowa

Dear City of Des Moines City Council:

Please accept this request to waive the three required readings of the ordinance to vacate the above referenced City-owned right-of-way. This Permanent Easement for Building Encroachment at the site requested is a long-term solution regarding a matter the City of Des Moines and Buchanan Holdings, LLC previously agreed to in the form of a October 13, 2014 License Agreement contemplating the same air space owned by the City of Des Moines and same building being constructed and owned by Buchanan Holdings, LLC. Due to the fact that License Agreement was intended by all Parties to serve as a temporary placeholder expiring, by its own terms, by a date certain that has now passed, time is of the essence for the Parties to execute the previously negotiated and agreed upon long-term solution set forth in the enclosed (i) Permanent Easement for Building Encroachment and (ii) Offer to Purchase Permanent Easement for Building Encroachment and Acceptance.

Please feel free to contact me, either by telephone (515-288-0145) or by email (jcraig@finleylaw.com), if you have any questions or are in need of any additional information from Buchanan Holdings, LLC. Thank you for your consideration and for your time and effort regarding this matter.

OF COUNSEL

- Jerry P. Alt
- Glenn L. Smith

Sincerely,

Jeffrey A. Craig
Attorney for Buchanan Holdings, LLC

JAC/pre