

Date January 22, 2018

**HOLD HEARING FOR VACATION OF A PORTION OF DES MOINES STREET
RIGHT-OF-WAY ADJOINING 621 DES MOINES STREET AND CONVEYANCE OF
AN EASEMENT FOR BUILDING ENCROACHMENT TO SARI D. BASSMAN,
TRUSTEE OF THE JEROME T. BASSMAN AND SARI D. BASSMAN IRREVOCABLE
TRUST DATED SEPTEMBER 25, 2012 FOR \$5,040.00**

WHEREAS, on December 18, 2017, by Roll Call No. 17-2164, the City Council of the City of Des Moines, Iowa, received and filed a communication from the City Plan and Zoning Commission recommending approval of a request from Optimae Lifeservices, Inc. for the vacation of a segment of the south 6 feet of Des Moines Street right-of-way adjoining 621 Des Moines Street (hereinafter "City Right-of-Way") to allow for permanent encroachment of a deck addition, two entrance door swings, and a planter area into the City Right-of-Way, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

WHEREAS, Sari D. Bassman, Trustee of the Jerome T. Bassman and Sari D. Bassman Irrevocable Trust dated September 25, 2012, owner of the adjoining property at 621 Des Moines Street, has offered to the City the purchase price of \$5,040.00 for the purchase of a Permanent Easement For Building Encroachment in said City Right-of-Way, hereinafter more fully described, to allow for encroachment into the City Right-of-Way of a deck addition, two entrance door swings, and a planter area, which price reflects the fair market value of the Permanent Easement For Building Encroachment within City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, there is no public need or benefit for the right-of-way proposed to be vacated and sold, and the public would not be inconvenienced by reason of the vacation and sale of the Permanent Easement for Building Encroachment within said City Right-of-Way; and

WHEREAS, on January 8, 2018, by Roll Call No. 18-0047, it was duly resolved by the City Council of the City of Des Moines, Iowa, that said proposed vacation and conveyance be set down for hearing on January 22, 2018, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of the proposal to vacate a portion of said City Right-of-Way and convey a Permanent Easement For Building Encroachment 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 of the City of Des Moines, Iowa.

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 and all objections to said proposed vacation and conveyance of the Permanent Easement For Building Encroachment as described below are hereby overruled, and the hearing is closed.

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2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a segment of the south 6 feet of Des Moines Street right-of-way adjoining 621 Des Moines Street, more specifically described as follows:

The South Six (6) Feet of Des Moines Street right-of-way lying north of and adjoining Lot 3, Block 20, EAST FORT DES MOINES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and containing 480 square feet.

3. That the sale and conveyance of a Permanent Easement For Building Encroachment within said vacated Des Moines Street right-of-way, as described below, to Sari D. Bassman, Trustee of the Jerome T. Bassman and Sari D. Bassman Irrevocable Trust dated September 25, 2012, for \$5,040.00, together with payment by such grantee of the estimated publication and recording costs for this transaction:

The vacated South Six (6) Feet of Des Moines Street right-of-way lying north of and adjoining Lot 3, Block 20, EAST FORT DES MOINES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and containing 480 square feet.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Permanent Easement for Building Encroachment 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 City 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 Permanent Easement for Building Encroachment, 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 Permanent Easement for Building Encroachment, 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 Permanent Easement for Building Encroachment and copies of the other documents to the grantee.

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

★ Roll Call Number

Agenda Item Number

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(Council Communication No. 18-030)

Moved by _____ to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COWNIE				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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