

Date May 20, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 319 7TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT – DOOR SWING TO DES MOINES GRIFFIN BUILDING, LLC FOR \$500.00

WHEREAS, Des Moines Griffin Building, LLC, an Iowa limited liability company, owner of 319 7th Street, Des Moines, Iowa, has offered to the City the purchase price of \$500.00 for the purchase of a Permanent Easement for Building Encroachment – Door Swing (hereinafter “Easement”) upon a portion of vacated east-west alley right-of-way adjoining 319 7th Street, hereinafter more fully described, to allow for the construction, repair, and maintenance of a building door entrance stoop and door swing area, with City-approved bollards or other barriers on each side of the door swing area, into and upon said right-of-way, which price reflects the fair market value of the Easement 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 conveyed, and the public would not be inconvenienced by reason of vacation of said right-of-way and the conveyance of the Easement within said City Property; and

WHEREAS, on May 6, 2019, by Roll Call No. 19-0702, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Permanent Easement for Building Encroachment – Door Swing be set for hearing on May 20, 2019, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate a 4.0 foot by 4.0 foot segment of the east-west alley right-of-way, adjoining 319 7th Street, Des Moines, Iowa, and convey a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the 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 and all objections to the proposed vacation of a 4.0 foot by 4.0 foot segment of the east-west alley right-of-way, adjoining 319 7th Street, Des Moines, Iowa, and conveyance of a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, as described herein, are hereby overruled and the hearing is closed.

Date May 20, 2019

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 said alley right-of-way, legally described as follows, and said vacation is hereby approved:

That part of the Alley right-of-way lying South of and adjoining the West Half of Lot 2 in Block 12 in FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 2; thence North 74°(degrees) 30'(minutes) 00"(seconds) East (assumed for this description only), 46.25 feet along the South line of said Lot 2 to the Point of Beginning; thence continuing North 74°30'00" East, 4.00 feet along the South line of said Lot 2; thence South 15°30'00" East, 4.00 feet; thence South 74°30'00" West, 4.00 feet; thence North 15°30'00" West, 4.00 feet to the point of beginning.

Containing 16.00 square feet.

3. The proposed conveyance of a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and further subject to the requirement that bollards or other City-approved barriers be placed on each side of the door swing area, is hereby approved:

Grantee: Des Moines Griffin Building, LLC
Consideration: \$500.00
Legal Description:

That part of the vacated Alley right-of-way lying South of and adjoining the West Half of Lot 2 in Block 12 in FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 2; thence North 74°(degrees) 30'(minutes) 00"(seconds) East (assumed for this description only), 46.25 feet along the South line of said Lot 2 to the Point of Beginning; thence continuing North 74°30'00" East, 4.00 feet along the South line of said Lot 2; thence South 15°30'00" East, 4.00 feet; thence South 74°30'00" West, 4.00 feet; thence North 15°30'00" West, 4.00 feet to the point of beginning.

Containing 16.00 square feet.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Permanent Easement for Building Encroachment – Door Swing for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

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Date May 20, 2019

5. 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 – Door Swing, 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 – Door Swing, together with a certified copy of this resolution and of the affidavit of publication of the 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 a copy of the other documents to the grantees.

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

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Ann DiDonato, Assistant City Attorney

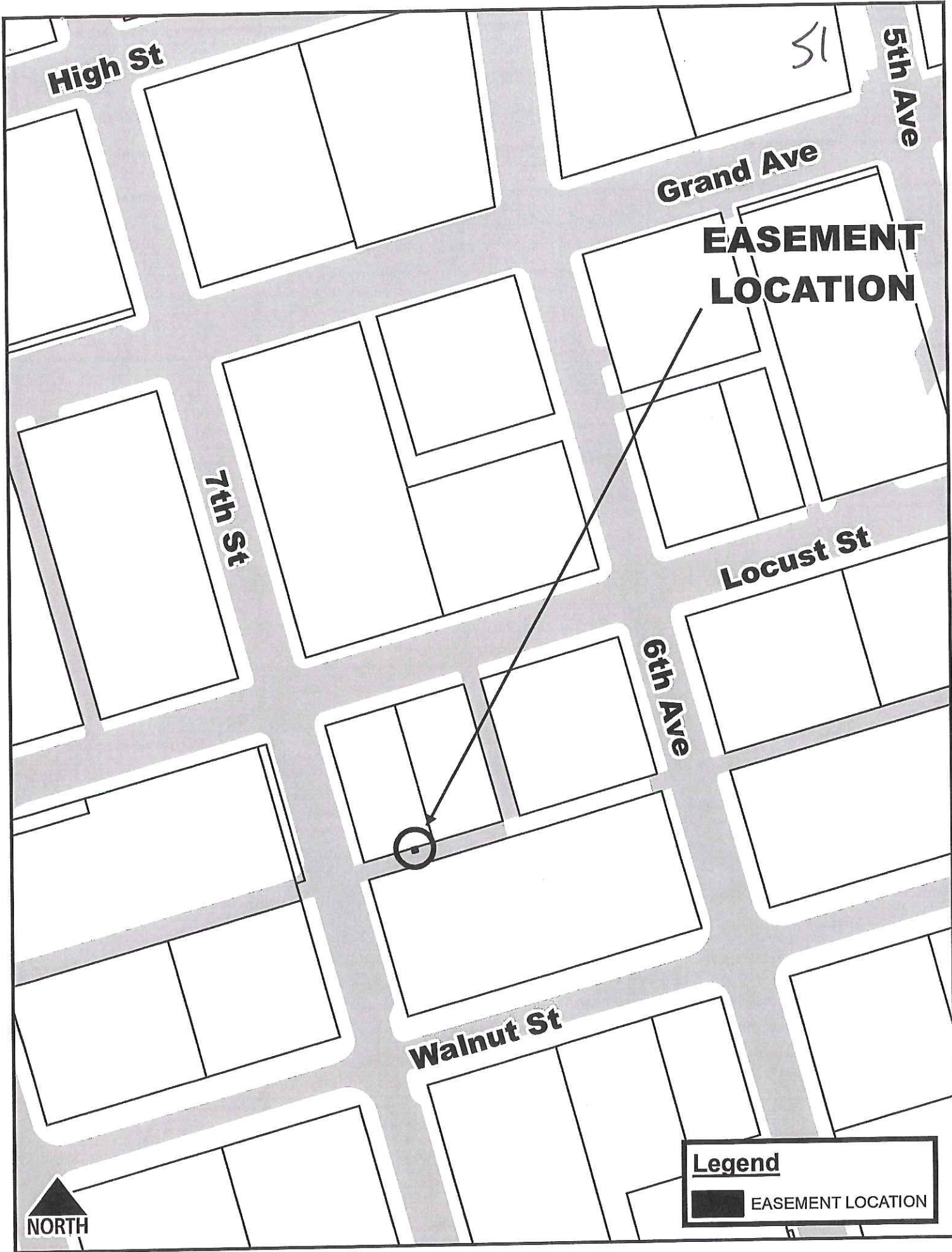
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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



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High St

5th Ave

Grand Ave

**EASEMENT
LOCATION**

7th St

Locust St

6th Ave

Walnut St

Legend

■ EASEMENT LOCATION


NORTH

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★ Roll Call Number

19-0279

Agenda Item Number

17

Date February 25, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM DES MOINES GRIFFIN BUILDING, LLC FOR VACATION OF RIGHT-OF-WAY ADJOINING 319 7TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 7, 2019, its members voted 9-0 to recommend APPROVAL of a request from Des Moines Griffin Building, LLC, represented by Tim Rypma (officer), to vacate a 4-foot by 4-foot segment of the surface rights within the east/west alley adjoining 319 7th Street, to allow for a new egress door swing into the alley, subject to the following conditions:

- (1) Reservation of easements for all public utilities in place; and
(2) Provision of bollards to protect the alley entrance and pedestrians from vehicles.

MOVED by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

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

(11-2019-1.01)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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.

J. M. Frankish Cownie Mayor

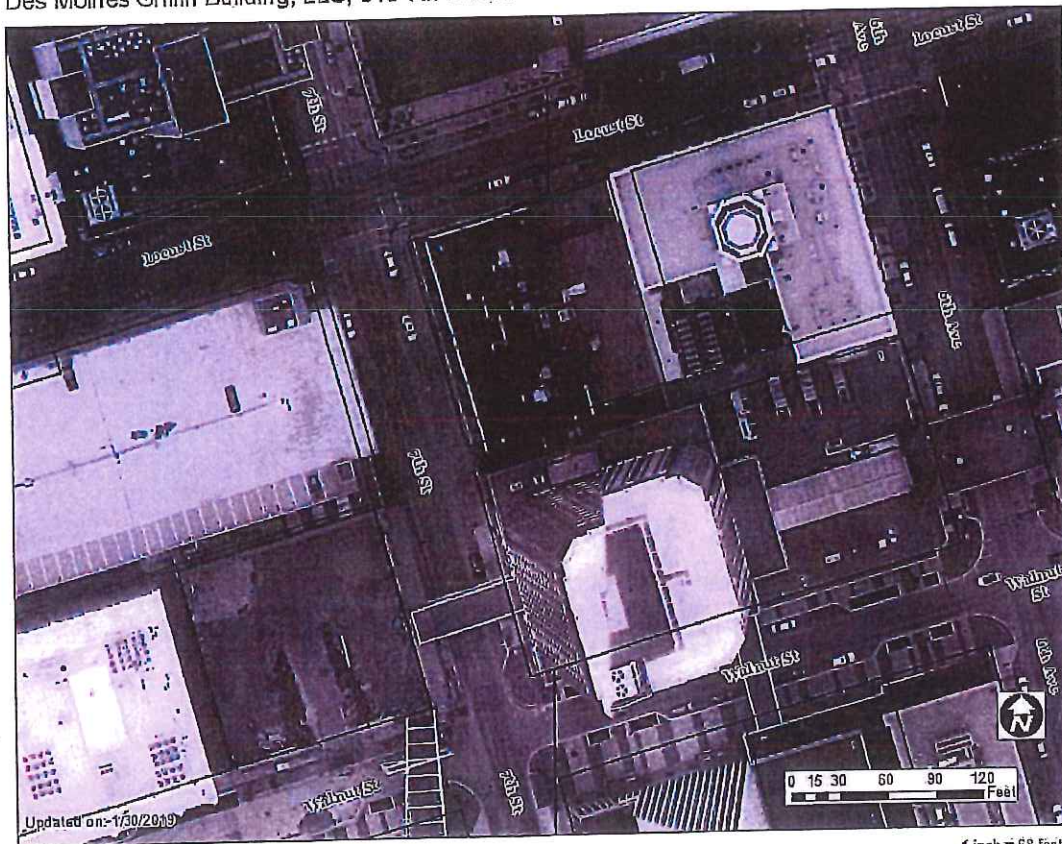
Diane Rauh City Clerk

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Des Moines Griffin Building, LLC (owner), 319 7th Street, represented by Tim Rypma (officer).		File #		
		11-2019-1.01		
Description of Action	Vacation of a 4-foot by 4-foot segment of the adjoining east/west alley, to allow for a new egress door swing into the alley.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-3" Central Business District Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

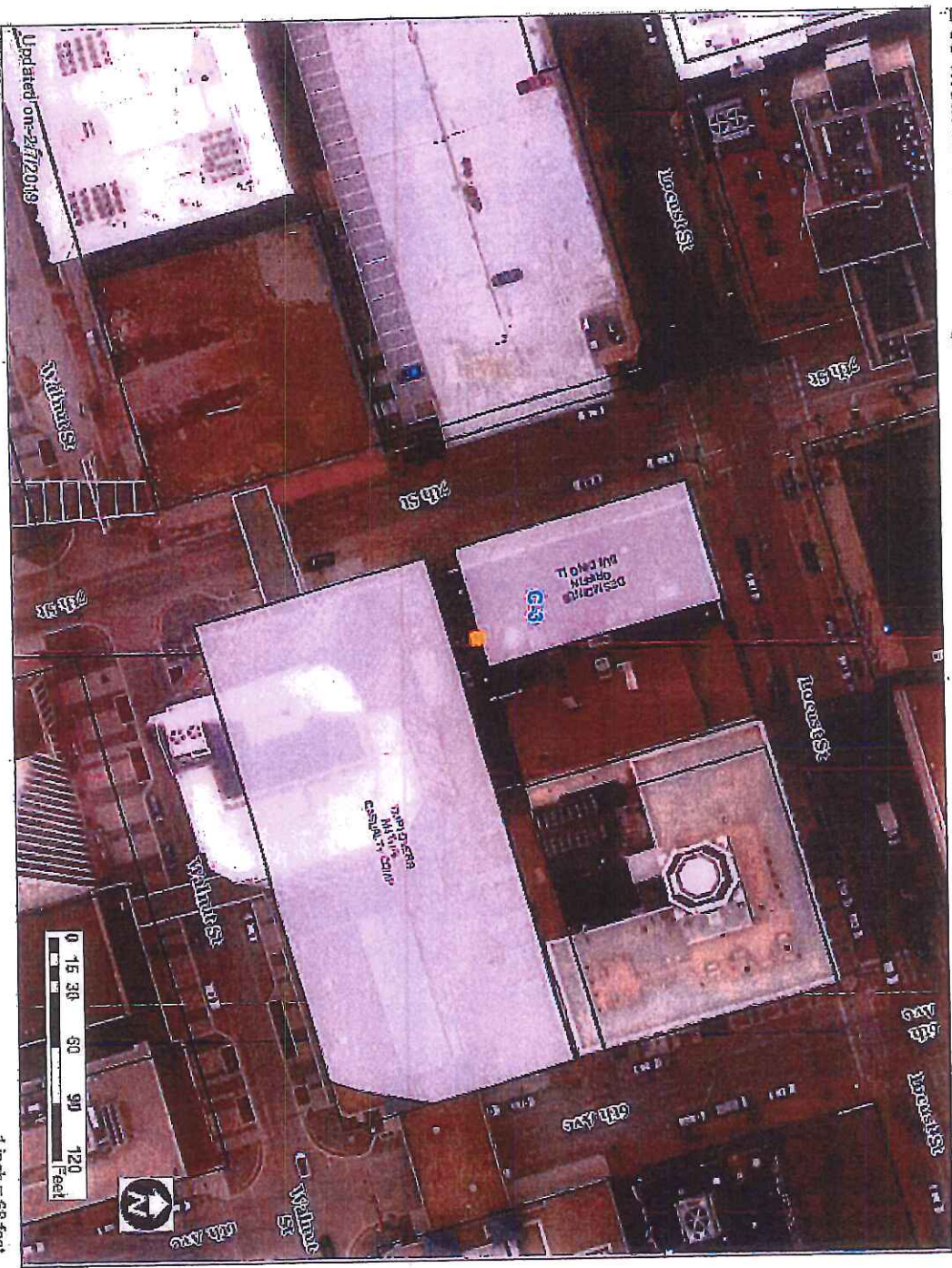
Des Moines Griffin Building, LLC, 319 7th Street

11-2019-1.01



Des Moines Griffin Building, LLC, 319 7th Street

11-2019-1.01



1 inch = 68 feet

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February 19, 2019

Date February 29, 2019
Agenda Item 11
Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 7, 2019 meeting, the following action was taken regarding a request from Des Moines Griffin Building, LLC (owner), 319 7th Street, represented by Tim Rypma (officer) for vacation of a 4-foot by 4-foot segment of the adjoining east/west alley, to allow for a new egress door swing into the alley.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
David Courard-Hauri				X
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Mike Simonson				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X

RECOMMEND APPROVAL of the requested vacation of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

(11-2019-1.01)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The property adjoining the proposed vacation is undergoing renovation. The subject vacation would allow installation of a new egress door which would swing into the alley Right-of-way.
2. **Size of Site:** The property adjoining the proposed vacation measures 66 feet by 133 feet (6,720 square feet). A total of 16 square feet of alley Right-of-way is proposed to be vacated.
3. **Existing Zoning (site):** "C-3" Central Business District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The property adjoining the proposed vacation is occupied by a multiple-family high-rise dwelling.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3"; Use is the Ruan Center.
 - South** – "C-3"; Use is Employers Mutual Casualty.
 - East** – "C-3"; Use is a youth shelter.
 - West** – "C-3"; Use is a parking structure.
6. **General Neighborhood/Area Land Uses:** The site is located in downtown Des Moines. The area contains a mix of office, restaurant and residential uses.
7. **Applicable Recognized Neighborhood(s):** The property adjoining the proposed vacation is in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on January 22, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on January 28, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on February 1, 2019.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Austin Lewis, 915 Mulberry Street, Unit 504, Des Moines, IA 50309.

8. Relevant Zoning History: None.

9. PlanDSM Land Use Plan Designation: The proposed vacation and the property adjoining it are designated as "Downtown Mixed Use" on the Future Land Use Map.

10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is 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: No utilities have been identified that would be impacted by the proposed vacation. Staff recommends approval subject to the reservation of easements for any existing utilities.

2. Street System/Access: The proposed vacation would have a negligible impact on the function of the adjoining alley. However, staff believes that bollards should be provided for the alley side door as a safety precaution.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes made a motion for approval of the requested vacation subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

Motion passed: 9-0

Respectfully submitted,

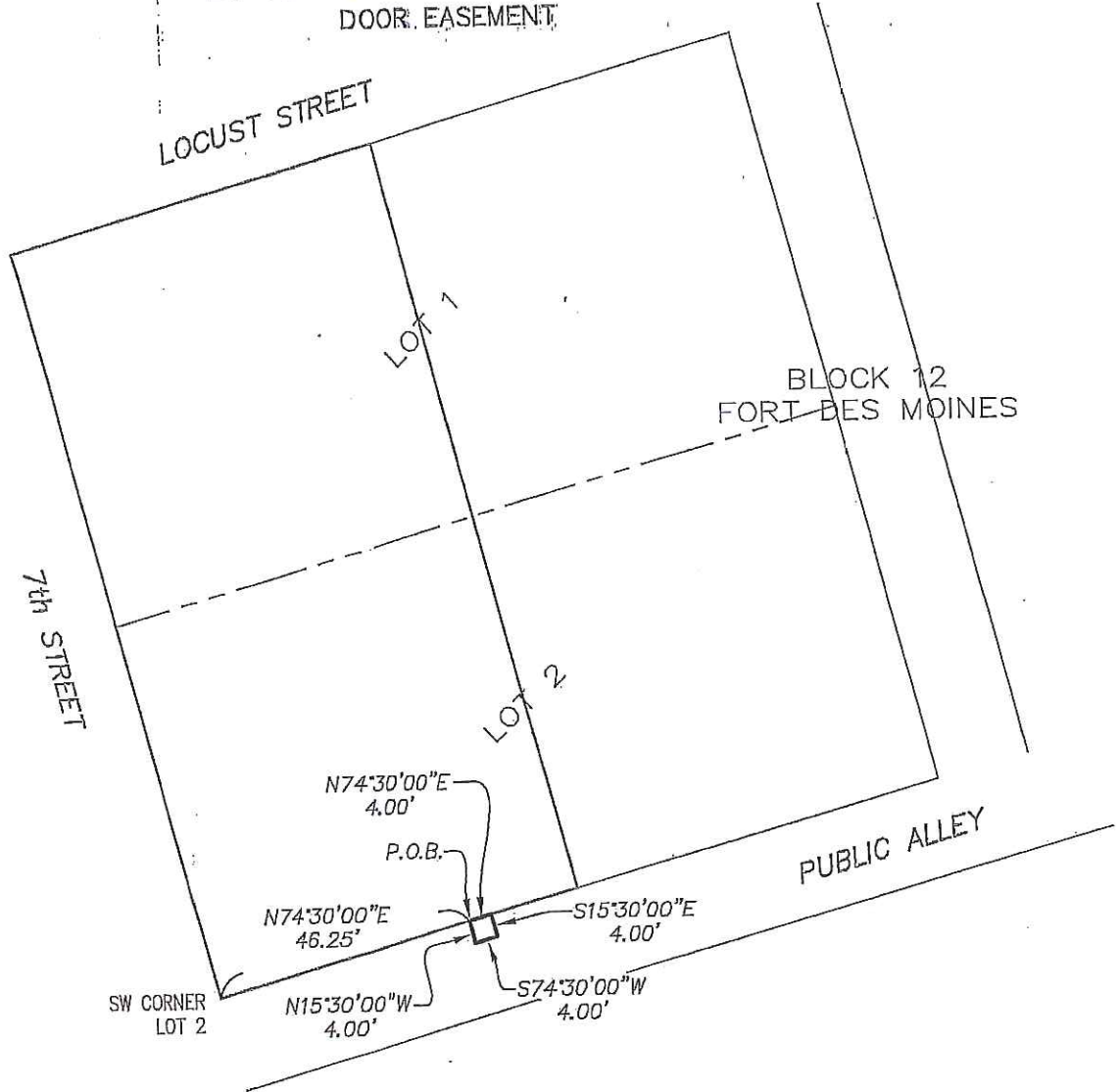
A handwritten signature in blue ink, appearing to read 'M. Ludwig', is written over the printed name.

Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

EASEMENT EXHIBIT

DOOR EASEMENT

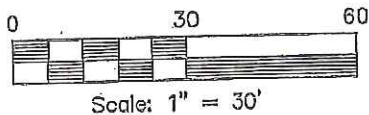


EASEMENT DESCRIPTION

That part of the Public Alley lying South of and adjoining the West Half of Lot 2 in Block 12 in FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 2; thence North 74°(degrees) 30'(minutes) 00"(seconds) East (assumed for this description only), 46.25 feet along the South line of said Lot 2 to the Point of Beginning; thence continuing North 74°30'00" East, 4.00 feet along the South line of said Lot 2; thence South 15°30'00" East, 4.00 feet; thence South 74°30'00" West, 4.00 feet; thence North 15°30'00" West, 4.00 feet, to the point of beginning.

Containing 16.00 square feet.



LEGEND

- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY

ERG

Engineering Resource Group, Inc.
 2413 GRAND AVENUE
 DES MOINES, IOWA 50312
 (515) 288-4823

EASEMENT EXHIBIT

DATE: 12/27/2018

PROJ. NO.:

DWG: 18-174EASE.DWG

18-174