



Date September 23, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A 4-FOOT BY 4-FOOT SEGMENT OF EAST-WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 319 7TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY THEREIN TO DES MOINES GRIFFIN BUILDING, LLC FOR \$350.00

WHEREAS, on August 5, 2019, by Roll Call No. 19-1206 the City Council of the City of Des Moines voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from Des Moines Griffin Building, LLC to vacate a 4-foot by 4-foot segment of air rights within the east-west alley adjoining 319 7th Street; and

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 \$350.00 for the purchase of a Permanent Easement for Air Space Above City-Owned Property (hereinafter "Easement") within a portion of alley right-of-way located south of and adjoining 319 7th Street, Des Moines, Iowa, hereinafter more fully described, to allow for the permanent encroachment of air ducts into the vacated 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 portion of the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of vacation of said alley right-of-way and the conveyance of the Easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating certain air space within a 4.0-foot by 4.0-foot segment of the east-west alley right-of-way located south of and adjoining 319 7th Street, and legally described as follows:

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), 62.10 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.

Lying between elevations 47.50 feet and 65.00 feet, City of Des Moines Vertical Datum (reference ground level elevation of 36.63 feet, City of Des Moines Vertical Datum). Horizontally containing 16.00 square feet.



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2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Air Space Above City-Owned Property in such vacated alley right-of-way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

Grantee: Des Moines Griffin Building, LLC

Consideration: \$350.00

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), 62.10 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.

Lying between elevations 47.50 feet and 65.00 feet, City of Des Moines Vertical Datum (reference ground level elevation of 36.63 feet, City of Des Moines Vertical Datum). Horizontally containing 16.00 square feet.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such Permanent Easement for Air Space Above City-Owned Property is to be considered shall be on October 14, 2019, 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 §362.3 of the Iowa Code.

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

 **Roll Call Number**

Agenda Item Number

18

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Date September 23, 2019

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

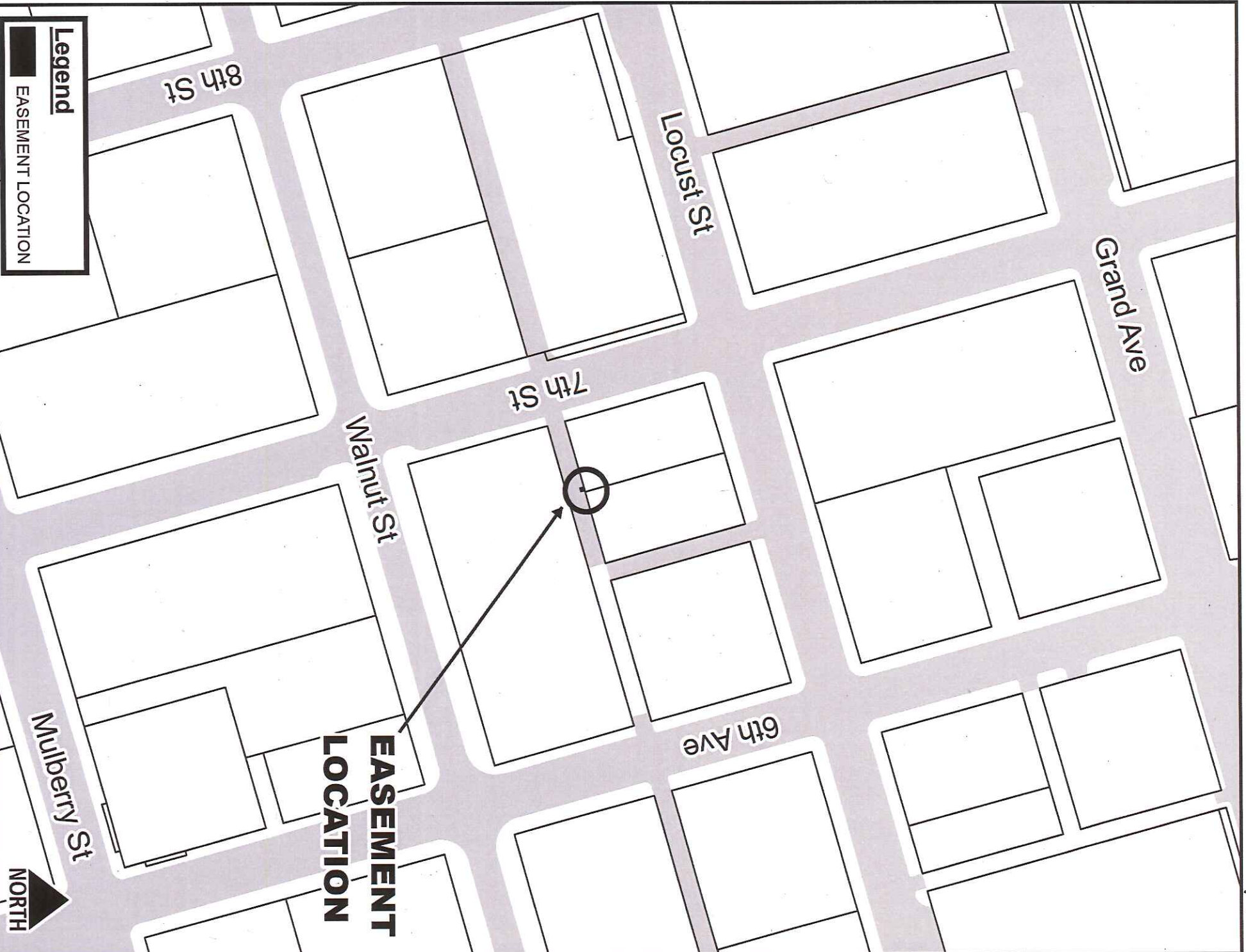
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
				Mayor

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



Legend

EASEMENT LOCATION

8th St

Locust St

Grand Ave

7th St

Walnut St

Mulberry St

6th Ave

**EASEMENT
LOCATION**

NORTH

Des Moines Griffin Building, LLC, 319 7th Street

11-2019-1.17



1 inch = 68 feet

23

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Date August 5, 2019
Agenda Item 23
Roll Call # _____

July 30, 2019

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 18, 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 air rights within the adjoining east/west alley to allow for ventilation ducts attached to the upper portion of the building that would encroach over the alley.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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			
Emily Webb	X			

RECOMMEND APPROVAL of the requested vacation subject to reservation of easements for all public utilities in place.

(11-2019-1.17)

Written Responses

1 in Favor
0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to reservation of easements for all public utilities in place.

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 ventilation ducts attached to the building to extend into airspace of 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 June 28, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on July 12, 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.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

David Courard-Hauri made a motion for approval of the requested vacation subject to reservation of easements for all public utilities in place.

Motion passed: 13-0

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

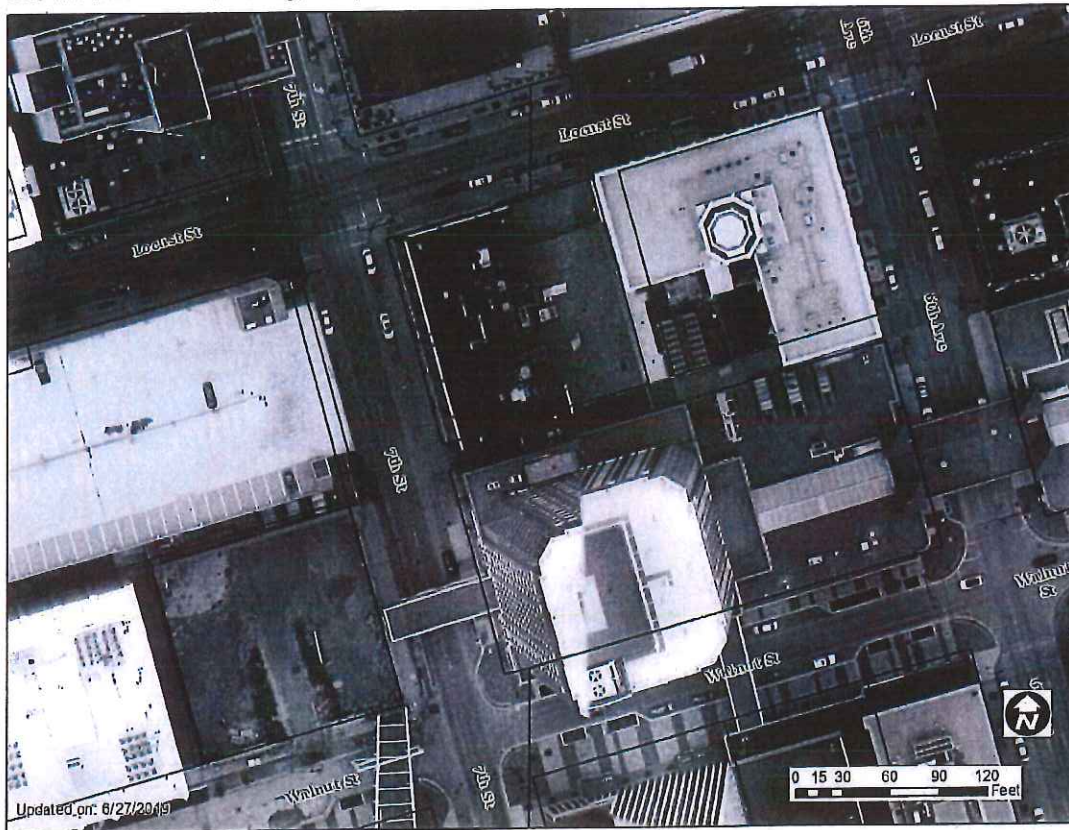
MGL:tjh
Attachments

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~~23~~

Des Moines Griffin Building, LLC (owner), 319 7th Street, represented by Tim Rypma (officer).				File # 11-2019-1.17	
Description of Action		Vacation of a 4-foot by 4-foot segment of air rights within the adjoining east/west alley to allow for ventilation ducts attached to the upper portion of the building that would encroach over the alley.			
PlanDSM Future Land Use		Current: Downtown Mixed Use District. 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
Outside Area (200 feet)		1	0		
Within Subject Property					
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	
		Denial			
				No	X

Des Moines Griffin Building, LLC, 319 7th Street

11-2019-1.17



1 Inch = 66 feet

18 23

Item 11-2019-1.17 Date 7-18-19

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
JUL 25 2019

Print Name TODD KAMP

Signature Todd Kamp

Address 699 WALNUT STREET

Reason for opposing or approving this request may be listed below:

MINIMAL DISRUPTION TO EME INSURANCE AND
SUPPORTIVE OF NEIGHBORHOOD RENOVATION.

