



Roll Call Number

08033

Agenda Item Number

18

Date January 7, 2008

Disposition – Principal Life Insurance Company: Page 1

**SET HEARING FOR VACATION AND CONVEYANCE OF AN AIR SPACE EASEMENT ADJOINING 707 8<sup>TH</sup> STREET TO PRINCIPAL LIFE INSURANCE COMPANY FOR \$30**

WHEREAS, on December 3, 2007, by Roll Call No. 07-2295, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an air space easement, hereinafter more fully described, to allow for encroachment of a planned parking structure at 707 8<sup>th</sup> Street; and

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the air space easement described below.

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 an air space easement adjoining 707 8<sup>th</sup> Street, more specifically described as follows:

ALL OF THE AIR SPACE FOR THAT PART OF CENTER STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10 OF SAID BLOCK "Q", THENCE NORTH 89°(DEGREES) 20'(MINUTES) 27"(SECONDS) WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK "Q", 5.73 FEET; THENCE NORTH 0°39'33" EAST, 2.00 FEET; THENCE SOUTH 89°20'27" EAST, 29.02 FEET; THENCE SOUTH 0°39'33" WEST, 2.00 FEET TO A POINT ON SAID NORTH LINE; THENCE NORTH 89°20'27" WEST ALONG SAID NORTH LINE, 23.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 58 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 176.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 172.00 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.)

DESCRIPTION REVIEWED  
*[Signature]*  
1/10/08

2. That if the City Council decides to vacate the above described air space, the City of Des Moines proposes to sell such air space easement, as described below, to the grantee and for the consideration identified below:

To: Principal Life Insurance Company for \$30

ALL OF THE VACATED AIR SPACE FOR THAT PART OF CENTER STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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DESCRIPTION REVIEWED  
 [Signature]  
 1/7/08 14:13

BEGINNING AT THE NORTHWEST CORNER OF LOT 10 OF SAID BLOCK "Q", THENCE NORTH 89°(DEGREES) 20'(MINUTES) 27"(SECONDS) WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK "Q", 5.73 FEET; THENCE NORTH 0°39'33" EAST, 2.00 FEET; THENCE SOUTH 89°20'27" EAST, 29.02 FEET; THENCE SOUTH 0°39'33" WEST, 2.00 FEET TO A POINT ON SAID NORTH LINE; THENCE NORTH 89°20'27" WEST ALONG SAID NORTH LINE, 23.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 58 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 176.00 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 172.00 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.)

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such air space easement is to be considered shall be on January 28, 2008, said meeting to be held at 5:00 p.m., in the Council Chamber.

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. The proceeds from the sale of this property shall be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*per*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

**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.

T. M. Franklin Mayor

Diane Rauh City Clerk