

★ Roll Call Number
08-555

Agenda Item Number
14 A

Date April 7, 2008

**RESOLUTION SETTING DATE OF HEARING FOR CONVEYANCE
OF AIR RIGHTS OVER REALIGNED THIRD STREET**

WHEREAS, by Roll Call No. 01-2611 of August 20, 2001, the City Council of the City of Des Moines, Iowa, approved a Chapter 28E Agreement with Polk County for the construction and funding of the Iowa Events Center project including construction of a pedestrian bridge over realigned Third Street and other pedestrian improvements; and

WHEREAS, in accordance with the terms of the 28E Agreement, by Roll Call No. 05-2388 of September 26, 2005, the City Council approved an Agreement for Pedestrian Bridge and Pedestrian Improvements for the Iowa Events Center project which Agreement provided for the construction of the pedestrian bridge by Polk County within air rights above realigned Third Street; and

WHEREAS, by separate resolution of this date, the City Council accepted the deeds from Polk County conveying realigned Third Street to the City and Polk County has completed construction of the pedestrian bridge and it is accordingly appropriate for the City to convey the necessary air rights for such pedestrian bridge.

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

1. Proposes to convey the air rights property more specifically described below, to Polk County in accordance with the terms of the Agreement for Pedestrian Bridge and Pedestrian Improvements between the City and Polk County.

DESCRIPTION APPROVED
[Signature]
3/10/08 10:58

All that part of the Air Rights of 3rd Street above City Datum Elevation 94 feet and below City Datum Elevation 115 feet from 142 feet normal distance North of the North Right-of-Way Line of Center Street to 165 feet normal distance North of the North Right-of-Way Line of Center Street, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

A public hearing shall be held on April 21, 2008 at 5:00 p.m. at the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal to convey the air rights property to Polk County.

(Continued on Page 2)

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-2-

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than 4 or more than 20 days from the date of hearing all in accordance with § 362.3 of the Iowa Code.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

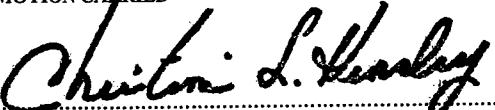

Lawrence R. McDowell
Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

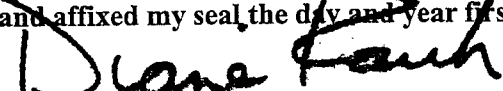

Chilton L. Healy
Mayor

MAYOR PRO TEM

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.


Diane Rauh
City Clerk