

★ Roll Call Number

08-731

Agenda Item Number

62

Date April 21, 2008

HEARING ON 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 Roll Call No. 08-554 of April 7, 2008, 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; and

WHEREAS, by Roll Call No. 08-555 of April 7, 2008, it was duly resolved by the City Council that the proposed conveyance of air rights property over realigned Third Street to Polk County for the Iowa Events Center pedestrian bridge be set down for hearing on April 21, 2008 at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to convey air rights property was given 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 this proposed 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this air rights property as described below are hereby overruled and the hearing is closed.

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- 2. There is no public need for the air rights property described below and the public would not be inconvenienced by reason of the conveyance of this air rights property over realigned Third Street, more specifically described as follows:

DESCRIPTION APPROVED

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.

That the conveyance of the air rights property as described above to Polk County in accordance with the terms of the Agreement for Pedestrian Bridge and Pedestrian Improvements between the City and Polk County, be and is hereby approved.

- 4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
- 5. The City Clerk is authorized and directed to forward the original of this Quit Claim Deed, 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 and documents to be recorded.
- 6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, 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.

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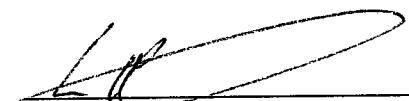
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- 7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to Polk County.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

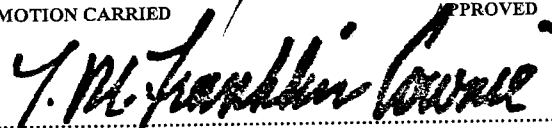

 Lawrence R. McDowell
 Deputy City Attorney

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

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