

★ Roll Call Number

08.784

Agenda Item Number

16

Date May 5, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 17, 2008, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from E5W, L.L.C. (purchaser) represented by Steve Howard (officer) for vacation and conveyance of the air rights on the eastern portion of East 5th Street adjoining property at 303 East 5th Street to allow for extension balconies, subject to the following:

1. Any balcony constructed is in accordance with the submitted building elevations and site sketch and at least 25 feet above grade.
2. Easements shall be provided for any affected utilities.
3. Any balcony constructed shall have a rounded top railing and no ledge.

Adjoining property is owned by City Des Moines.

MOVED by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

[Signature]

Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY				✓
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

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.

[Signature]
Mayor

[Signature]
City Clerk