

Date October 27, 2008

SET HEARING FOR THE VACATION AND CONVEYANCE OF AN EASEMENT FOR BUILDING ENCROACHMENT WITHIN A SEGMENT OF COTTAGE GROVE AVENUE RIGHT-OF-WAY ADJOINING 1912 COTTAGE GROVE AVENUE TO MONTE AND KRISTA BENNETT FOR \$50.00

WHEREAS, on October 13, 2008, by Roll Call No. 08-1750, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of Cottage Grove Avenue be vacated and conveyed, hereinafter more fully described, to allow encroachment of an elevated stoop for the north entrance to the building located at 1912 Cottage Grove Avenue; and

WHEREAS, the grantees identified below are the owners of property abutting such right-of-way and excess City-owned property and have offered to the City of Des Moines the purchase price identified below for the purchase of the building encroachment 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 a building encroachment easement within a segment of Cottage Grove Avenue adjoining 1912 Cottage Grove Avenue, more specifically described as follows:

A triangular shaped portion of the Cottage Grove Avenue Right-of-Way as it is presently established more particularly described as follows:

Commencing at the Southwest corner of Lot 6, Block E, Kuhn's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 00° (degrees) 09'(minutes) 11'' (Seconds) West along the West line of said Lot 6, a distance of 56.11 feet ; thence North 34°50'20'' East, a distance of 61.46 feet to the southerly Right-of-Way line of said Cottage Grove Avenue, as it is presently established; thence North 89°46' 40'' East, along the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 57.73 feet, thence North 00° 57' 59'' West, along a jog in the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 3.55 feet to the point of beginning, thence North 89°20' 01'' East, a distance of 7.50 feet; thence South 00° 57'59'' East, a distance of 5.36 feet to the southerly Right-of-Way line of said Cottage Grove Avenue, thence North 55° 24' 43'' West along the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 9.22 feet to the point of beginning. Said tract of land contains 20.1 square feet more or less.

DESCRIPTION REVIEWED [Signature]

- 2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such building encroachment easement, as described below, to the grantees and for the consideration identified below:

To: Monte and Krista Bennett for \$50.00

★ Roll Call Number

08-1842

Agenda Item Number

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A vacated triangular shaped portion of the Cottage Grove Avenue Right-of-Way as it is presently established more particularly described as follows:  
 Commencing at the Southwest corner of Lot 6, Block E, Kuhn's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 00<sup>0</sup> (degrees) 09' (minutes) 11" (Seconds) West along the West line of said Lot 6, a distance of 56.11 feet ; thence North 34<sup>0</sup>50'20" East, a distance of 61.46 feet to the southerly Right-of-Way line of said Cottage Grove Avenue, as it is presently established; thence North 89<sup>0</sup>46' 40" East, along the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 57.73 feet, thence North 00<sup>0</sup> 57' 59" West, along a jog in the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 3.55 feet to the point of beginning, thence North 89<sup>0</sup>20' 01" East, a distance of 7.50 feet; thence South 00<sup>0</sup> 57'59" East, a distance of 5.36 feet to the southerly Right-of-Way line of said Cottage Grove Avenue, thence North 55<sup>0</sup> 24' 43" West along the southerly Right-of-Way line of said Cottage Grove Avenue, a distance of 9.22 feet to the point of beginning.  
 Said tract of land contains 20.1 square feet more or less.

DESCRIPTION REVIEWED  
 James K. Jolley  
 10/23/08 07:15

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such building encroachment easement is to be considered shall be on November 10, 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.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

RJA

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.

Y. M. Franklin Cownie  
 Mayor

Diane Rauh  
 City Clerk