



Roll Call Number

10-1726

Agenda Item Number

18

Date October 25, 2010

RESOLUTION SCHEDULING HEARING ON PROPOSED VACATION AND
CONVEYANCE OF A PORTION OF THE SW 8TH STREET RIGHT-OF-WAY
AT 309 SW 8TH STREET

WHEREAS, Hubbell Realty Company (hereinafter "Hubbell") is the owner of the warehouse building at 309 SW 8th Street and seeks to rehabilitate the building for residential use utilizing low-income housing tax credits; and,

WHEREAS, the building at 309 SW 8th Street encroaches into the adjoining right-of-way by a few inches, and Hubbell has requested that the City legalize the encroachment by vacating the portion of the SW 8th Street right-of-way described below and conveying to Hubbell an easement allowing the encroachment for the life of the building; and,

WHEREAS, the renovation of the warehouse building for residential use furthers the City's goals to preserve and create an environment which will protect the health, safety and general welfare of City residents and maintain taxable values within the downtown area, to encourage the development of affordable and market-rate housing in decent, safe and sanitary conditions in attractive settings to serve employees and other people who would like to live in the downtown area, to provide a variety of locations to serve the different housing markets within the downtown, and to encourage intensive and coordinated commercial and residential mixed-use development; 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 portion of the SW 8th Street right-of-way adjoining , more specifically described as follows:

Beginning at the Northwest Corner of Lot 59, Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North 74°(degrees) 12'(minutes) 41"(seconds) East, 6.80 feet along the North line of said Lot 59 to its intersection with the East line of SW 8th Street; thence North 15°22'28" West, 0.70 feet along the East line of SW 8th Street; thence South 74°12'41" West, 7.70 feet; thence South 15°16'00" East, 239.55 feet; thence North 74°44'00" East, 0.90 feet to the West line of said Lot 59 (which is also the East line of SW 8th Street); thence North 15°16'00" West, 238.86 feet along the West line of said Lot 59 to the Point of Beginning (containing 220 square feet, more or less).

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to sell and convey an *Easement for Building Encroachment* upon such vacated right-of-way to Hubbell Realty Company for a purchase price of \$1,200.00.

(continued)

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3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such easement is to be considered shall be on November 8, 2010, said meeting to be held at 5:00 p.m., in the Council Chambers.
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 Mahaffey to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

Diane Rauh

City Clerk