



Roll Call Number

10-1871

Agenda Item Number

53

Date November 8, 2010

RESOLUTION CLOSING 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 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, on October 25, 2010, by Roll Call No. 10- 1726 , it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on November 8, 2010, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way was published as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and 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; 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.

( continued )

Date November 8, 2010

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a portion of the SW 8th Street right-of-way adjoining 309 SW 8th Street, 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).

3. The conveyance of the proposed Easement for Building Setback to Hubbell Realty Company for a purchase price of \$1,200.<sup>00</sup> is hereby approved, subject to final passage of the vacation ordinance.

4. Subject to final passage of the vacation ordinance, the Mayor is authorized and directed to sign the Easement for Building Encroachment on behalf of the City of Des Moines, and the City Clerk is authorized and directed to attest to the Mayor's signature on such document.

5. The City Clerk is further authorized and directed to forward the signed Easement for Building Encroachment 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 for release to and recording by Hubbell Realty Company upon receipt of the purchase price.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Council Communication No. 10- 670

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

MOTION CARRIED APPROVED
T. M. Franklin, Mayor

Diane Rauh, City Clerk