

★ Roll Call Number

Agenda Item Number

13-0796

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Date May 20, 2013

**SET HEARING FOR VACATION AND CONVEYANCE OF EASEMENT FOR USE OF AIR SPACE OVER A SEGMENT OF 8<sup>TH</sup> STREET BETWEEN PARK STREET AND PLEASANT STREET TO PRINCIPAL LIFE INSURANCE COMPANY FOR \$6,550**

WHEREAS, on May 20, 2013, by Roll Call No. 13- 0795, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air rights over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street, hereinafter more fully described, be vacated to allow for a private enclosed pedestrian sky bridge that would cross diagonally within said air space and connect the buildings located at 600 7<sup>th</sup> Street and 650 8<sup>th</sup> Street; and

WHEREAS, Principal Life Insurance Company ("Principal") is the owner of the real property locally known as 600 7<sup>th</sup> Street and 650 8<sup>th</sup> Street which abuts said City-owned air space, and Principal has offered to the City of Des Moines the purchase price of \$6,550.00 for the vacation and purchase of an easement interest in such air space for construction and maintenance of the proposed private sky bridge to connect Principal's properties, which purchase price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the air space proposed to be vacated and conveyed by easement, and the City will not be inconvenienced by the vacation and conveyance of said property interest.

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 air space over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street, more specifically described as follows:

**AIR SPACE EASEMENT**

ALL OF THE AIR SPACE FOR THAT PART OF 8<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING PARCEL D (AS RECORDED IN BOOK 13515 AT PAGE 580) OF PART OF LOTS 1, 2, AND 3 OF KEOSAUQUA WAY PLAT NO. 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL D; THENCE SOUTH 89°(DEGREES) 35'(MINUTES) 48"(SECONDS) EAST ALONG THE NORTH LINE OF SAID PARCEL D AND THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF PARK STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 12.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 8<sup>TH</sup> STREET AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 91.59 FEET WESTERLY OF THE NORTHEAST CORNER OF LOT 1, IN SAID KEOSAUQUA WAY PLAT NO. 1; THENCE SOUTH 08°56'39" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 88.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 08°56'39" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 8TH STREET, A

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DISTANCE OF 30.92 FEET; THENCE SOUTH 88°28'08" WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 0.88 FEET; THENCE SOUTH 34°50'12" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 1.94 FEET; THENCE SOUTH 08°55'46" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 3.13 FEET; THENCE SOUTH 29°09'17" WEST, A DISTANCE OF 118.91 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET; THENCE NORTH 08°50'20" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 35.74 FEET; THENCE NORTH 29°09'17" EAST, A DISTANCE OF 118.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,615 S.F.) WHICH IS BELOW A PLANE ELEVATION OF 103.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 83.48 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING 61.50 FEET CITY DATUM.

2. That if the City Council decides to vacate the above described air space, the City of Des Moines proposes to convey an easement in such vacated air space, as described below, to Principal Life Insurance Company for \$6,550.00, subject to all conditions set forth in the above-described Plan and Zoning Commission recommendation:

**AIR SPACE EASEMENT**

ALL OF THE VACATED AIR SPACE FOR THAT PART OF 8<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING PARCEL D (AS RECORDED IN BOOK 13515 AT PAGE 580) OF PART OF LOTS 1, 2, AND 3 OF KEOSAUQUA WAY PLAT NO. 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL D; THENCE SOUTH 89°(DEGREES) 35'(MINUTES) 48"(SECONDS) EAST ALONG THE NORTH LINE OF SAID PARCEL D AND THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF PARK STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 12.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 8<sup>TH</sup> STREET AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 91.59 FEET WESTERLY OF THE NORTHEAST CORNER OF LOT 1, IN SAID KEOSAUQUA WAY PLAT NO. 1; THENCE SOUTH 08°56'39" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 88.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 08°56'39" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 30.92 FEET; THENCE SOUTH 88°28'08" WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 0.88 FEET; THENCE SOUTH 34°50'12" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 1.94 FEET; THENCE SOUTH 08°55'46" EAST ALONG THE EAST RIGHT OF WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 3.13 FEET; THENCE SOUTH 29°09'17" WEST, A DISTANCE OF 118.91 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET; THENCE NORTH 08°50'20" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 8<sup>TH</sup> STREET, A DISTANCE OF 35.74 FEET; THENCE NORTH 29°09'17" EAST, A DISTANCE OF 118.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,615 S.F.) WHICH IS BELOW A PLANE ELEVATION OF 103.50 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 83.48 FEET CITY DATUM. ASSUMED GROUND ELEVATION BEING 61.50 FEET CITY DATUM.

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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 air space easement is to be considered shall be on June 10, 2013, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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 Section 362.3 of the Iowa Code.
5. The proceeds from the sale of this property shall be deposited into the following account: Fund: SP767, Org: ENG980500.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

*RSW*

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

T. M. Franklin Mayor  
MOTION CARRIED APPROVED

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.

Diane Rauh City Clerk