

★ Roll Call Number

13-0930

Agenda Item Number

47 ✓

Date June 10, 2013

CONTINUING PUBLIC HEARING ON THE VACATION OF PORTIONS OF THE 7TH STREET, 8TH STREET AND WALNUT STREET RIGHTS-OF-WAY ADJOINING THE YOUNKERS BUILDING AT 713 WALNUT STREET AND THE CONVEYANCE OF AN EASEMENT UPON SUCH VACATED RIGHTS-OF-WAY TO LEGALIZE THE EXISTING BUILDING ENCROACHMENTS

WHEREAS, the Younkens Building at 713 Walnut Street was constructed in 1899 with a basement that extends under the adjoining public sidewalks along 7th Street, 8th Street and Walnut Street, with building encroachments at the ground level that extend into the adjoining public rights-of-way, and with architectural projections that encroach into the air rights over the adjoining public rights-of-way; and,

WHEREAS, the Younkens Building is currently owned by NMI YB, LLC, and it has requested that the City vacate the rights-of-way occupied by the building encroachments, and convey it an Easement for Building Encroachment for the continued use, maintenance and repair of the existing building encroachments for the remaining life of the building; and,

WHEREAS, on May 20, 2013, by Roll Call No. 13-0797, 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 June 10, 2013, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, the Legal Department requests that the public hearing on this matter be continued until June 24, 2013, to allow additional time for the applicant to provide legal descriptions for the areas encumbered by the building encroachments and for the City staff to review those descriptions.

MOVED by Coleman to continue the public hearing until June 24, 2013, at 5:00 p.m., in the Council Chambers.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7 yeas).

Y.M. Franklin Council Mayor

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