

★ Roll Call Number  
**13-1587**

Agenda Item Number  
**42** ✓

Date October 7, 2013

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**CONTINUANCE OF HEARING FOR VACATION AND CONVEYANCE OF EASEMENT  
FOR USE OF AIR SPACE OVER THE NORTH FOUR FEET OF EAST LOCUST  
STREET ADJOINING 350 EAST LOCUST STREET TO  
EAST VILLAGE GROWTH PARTNERS, LLC FOR \$1,000**

**WHEREAS**, on September 23, 2013, by Roll Call No. 13-1474, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air rights over the north four feet of East Locust Street adjoining 350 East Locust Street, hereinafter more fully described, be vacated to allow for private balconies connected to the building being constructed at 350 East Locust Street, subject to the requirements that any balcony constructed and/or reconstructed shall be in accordance with the submitted building elevations and site sketch, and that any balcony constructed and/or reconstructed shall have a rounded top railing and/or no ledge; and

**WHEREAS**, East Village Growth Partners, LLC is the owner of the real property locally known as 350 East Locust Street, the purchase of which closed on September 25, 2013, which property abuts said City-owned air space, and East Village Growth Partners, LLC has offered to the City of Des Moines the purchase price of \$1,000 for the vacation and purchase of an easement interest in such air space for construction and maintenance of the proposed private balconies, 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; and

**WHEREAS**, on September 23, 2013, by Roll Call No. 13-1473, it was duly resolved by the City Council that the proposed vacation and conveyance of such easement be set down for hearing on October 7, 2013, at 5:00 p.m., in the City Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey the easement for use of air space was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, a continuance of the public hearing until the Council meeting on October 21, 2013, has been requested.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation and conveyance of easement for use of air space over the north four feet of East Locust Street adjoining 350 East Locust Street to East Village Growth Partners, LLC, as described herein, be and is hereby continued to October 21, 2013, at 5:00 p.m. in the City Council Chambers.

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(Council Communication No. 13-497)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

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

MOTION CARRIED APPROVED  
T. M. Franklin 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