



**Roll Call Number**

14-1848

**Agenda Item Number**

27

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**Date** December 8, 2014

**SET HEARING FOR VACATION OF AIR SPACE OVER PORTIONS OF EAST WALNUT STREET AND EAST 2<sup>ND</sup> STREET ADJOINING 210 EAST WALNUT STREET, AND FOR CONVEYANCE OF AN EASEMENT TO 201, LLC FOR \$866**

**WHEREAS**, on November 3, 2014, by Roll Call No. 14-1699, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air space within the north 9.5 feet of East Walnut Street and within the east 2 feet of East 2<sup>nd</sup> Street (herein "City Air Space"), be vacated to allow for overhang extensions from the proposed multiple-family residential apartment building, subject to certain conditions as set forth below; and

**WHEREAS**, 201, LLC is the owner of the real property locally known as 210 East Walnut Street, which property abuts the City Air Space, and has offered to the City of Des Moines the purchase price of \$866 for the vacation of the City Air Space and purchase of an air space easement interest in the City Air Space for the purposes described above, which purchase price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the vacation and conveyance is proposed to be approved subject to the requirements of the City Plan and Zoning Commission recommendation, as follows:

1. Any overhang elements shall generally be in accordance with the submitted building elevations and site sketch.

**WHEREAS**, there is no known current or future public need or benefit for the City Air Space proposed to be vacated, and the City will not be inconvenienced by the vacation and conveyance of easement interest in said property as described herein.

**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 air space over East Walnut Street and East 2<sup>nd</sup> Street rights-of-way adjoining 210 East Walnut Street, legally described as follows:

All of the air space for that part of East 2nd Street and East Walnut Street Right-of-Ways adjoining BLOCK "G" of SCOTT & DEAN'S ADDITION to EAST FORT DES MOINES, an Official Plat, now included and forming a part of the City of Des Moines, Iowa and described as follows:

Beginning at the Southwest Corner of LOT 1 of BLOCK "G" of SCOTT & DEAN'S ADDITION to EAST FORT DES MOINES, an Official Plat; thence North 80°06'16" East, 100.77 feet along the North Right-of-Way Line of said East Walnut Street; thence South 74°38'57" West, 102.35 feet; thence North 15°10'58" West, 153.23 feet; thence North 74°38'57" East, 2.00 feet to a point on the East Right-of-Way Line of said East 2nd Street and the West Line of said BLOCK "G"; thence South 15°10'58" East, 143.65 feet along the East Right-of-Way Line of said East 2nd Street and along said West Line

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to the Point of Beginning, containing 787 Square Feet; located above a plane with an elevation of 53.00 feet (City of Des Moines Datum) and below a plane with an elevation of 89.00 feet (City of Des Moines Datum). Existing ground elevation equals 21.8 feet (City of Des Moines 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 to 201, LLC for \$866, subject to all conditions set forth in the Plan and Zoning Commission recommendation and herein above.
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 December 22, 2014, 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

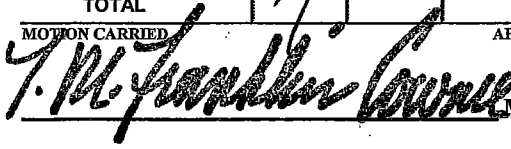
Moved by Gatto to adopt.

APPROVED AS TO FORM:

  
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 Cori Kuhn Coleman  
 Assistant City Attorney

*RW*

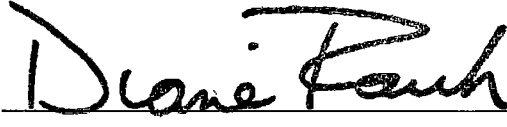
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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.

  
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 Diane Rauh  
 City Clerk