



**Roll Call Number**

14-1929

**Agenda Item Number**

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**Date** December 22, 2014

**SET HEARING FOR VACATION OF AIR SPACE OVER PORTIONS OF EAST LOCUST STREET RIGHT-OF-WAY ADJOINING 201 EAST LOCUST STREET, AND FOR CONVEYANCE OF AN EASEMENT TO SIEGEWORKS LODGING, LLC FOR \$5,460**

**WHEREAS**, on November 3, 2014, by Roll Call No. 14-1700, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air space within the south 7 feet of East Locust Street adjoining the north of 201 East Locust Street (herein "City Air Space"), be vacated to allow for a canopy extension above the first floor of the proposed hotel building; and

**WHEREAS**, Siegeworks Lodging, LLC is the owner of the real property locally known as 201 East Locust Street, which property abuts the City Air Space, and has offered to the City of Des Moines the purchase price of \$5,460 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. Resolution of the conflict involving the proximity of the canopy extension to the pedestrian lighting arms of the street lights on the Locust Street streetscape.
2. 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 Locust Street right-of-way adjoining 201 East Locust Street, legally described as follows:

All of the air space for that part of East Locust Street Right-of-Way adjoining PARCEL 'A' of BLOCK "G" of SCOTT & DEAN'S ADDITION to EAST FORT DES MOINES, an Official Plat, and described as follows:

Beginning at the Northeast Corner of PARCEL 'A' of BLOCK "G" of SCOTT & DEAN'S ADDITION to EAST FORT DES MOINES, an Official Plat; thence South 74°38'57" West, 175.00 feet along the North Line of said PARCEL 'A', also being the South Right-of-Way Line of said East Locust Street; thence North 15°21'03" West, 6.62 feet; thence North 76°19'35" East, 175.07 feet; thence South 15°21'03" East, 1.59 feet to the Point of Beginning, containing 709 Square Feet; located

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above a plane with an elevation of 36.00 feet (City of Des Moines Datum) and below a plane with an elevation of 39.80 feet (City of Des Moines Datum). Existing ground elevation equals 24.0 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 Siegeworks Lodging, LLC for \$5,460, 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 January 12, 2015, 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 Hensley to adopt.

APPROVED AS TO FORM:

[Signature]  
Cori Kuhn Coleman  
Assistant City Attorney

PCW

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.

Diane Rauh City Clerk