



Roll Call Number

15-1289

Agenda Item Number

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Date July 27, 2015

HOLD HEARING FOR VACATION OF A PORTION OF EAST MARKET STREET RIGHT-OF-WAY ADJOINING 111 SE 7TH STREET AND FOR CONVEYANCE OF A BUILDING ENCROACHMENT EASEMENT TO THOMAS A. PIKE FOR \$1,500

WHEREAS, on June 18, 2015, the City Plan and Zoning Commission voted to approve a request from Thomas A. Pike to vacate a portion of East Market Street adjoining 111 SE 7th Street (herein "City Right-of-Way"), to accommodate an existing building encroachment, and on July 13, 2015, the City Council of the City of Des Moines by Roll Call No 15-1139, received and filed a communication relating to said recommendation from the Plan and Zoning Commission; and

WHEREAS, Thomas A. Pike is the owner of the real property locally known as 111 SE 7th Street, which property abuts the City Right-of-Way, and has offered to the City of Des Moines the purchase price of \$1,500.00 for the vacation of the City Right-of-Way and purchase of a building encroachment easement interest in the City Right-of-Way to accommodate an existing building encroachment into and upon the City Right-of-Way, 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 City Right-of-Way proposed to be vacated, and the City will not be inconvenienced by the vacation and conveyance of a building encroachment easement interest in said property as described herein; and

WHEREAS, on July 13, 2015, by Roll Call No. 15-1138, it was duly resolved by the City Council that the proposed vacation and conveyance of such easement be set down for hearing on July 27, 2015, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate said City right-of-way and convey the encroachment easement was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation and conveyance of the subsurface easement as described below are hereby overruled, and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of a portion of East Market Street adjoining 111 SE 7th Street, more specifically described as follows:



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THE NORTH 35 FEET OF EAST MARKET STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING EAST 60 FEET OF THE WEST 90 FEET OF BLOCK 19, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

- 4. The Mayor is authorized and directed to sign the Offer to Purchase and the Easement for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon final passage of an ordinance vacating said portion of right-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded
6. The Real Estate Division Manager is authorized and directed to forward the original of the Easement, together with a certified copy of this resolution and of the affidavit of publication of notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Easement and copies of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

(Council Communication No. 15-422)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

7. 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