

★ Roll Call Number  
152049

Agenda Item Number  
14

Date December 7, 2015

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 219 GRAND, LLC FOR VACATION OF THE AIR RIGHTS OVER THE SOUTH 4 FEET OF EAST GRAND AVENUE AND THE EAST 4 FEET OF EAST 2ND STREET, TO ALLOW FOR BALCONY ENCROACHMENTS AND FOR VACATION OF THE SUBSURFACE RIGHTS WITHIN THE SOUTH 4 FEET OF EAST GRAND AVENUE, TO ALLOW FOR THE BUILDING FOOTINGS AND FOUNDATION**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 19, 2015, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from 219 Grand, LLC (owner) represented by Paul Hayes (officer), for vacation of the air rights over the south 4 feet of East Grand Avenue and the east 4 feet of East 2<sup>nd</sup> Street, to allow for balcony encroachments from floors 2-6 and for vacation of the subsurface rights within the south 4 feet of East Grand Avenue, to allow for the building footings and foundation subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated.

MOVED by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown  
 Assistant City Attorney

(11-2015-1.27A & B)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			1

MOTION CARRIED APPROVED

Y. 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