



Roll Call Number

16-0724

Agenda Item Number

60

Date April 25, 2016

RESOLUTION CLOSING HEARING ON VACATION AND CONVEYANCE OF  
EASEMENT TO 7&GRAND RAMP DEVELOPER, LLC, FOR SUBSURFACE  
BUILDING ENCROACHMENT UNDER A PORTION OF THE SOUTH SIDE OF  
THE 700 BLOCK OF HIGH STREET, AND APPROVING SAME

WHEREAS, on April 11, 2016, by Roll Call No. 16-0630, the City Council approved the sale of the City-owned block bounded by Grand Avenue and 7th, 8th and High Streets to 7&Grand Ramp Developer, LLC (hereinafter "7&Grand"), represented by Thomas Pospisil, for the construction of a private parking garage with some ground level commercial space; and,

WHEREAS, the City and 7&Grand intended that the sale include all the easement areas within the adjoining street rights-of-way required for the construction of the planned parking garage; and,

WHEREAS, an additional easement for subsurface encroachments into the adjoining High Street right-of-way is required for the construction of the footings and foundation for the planned parking garage, as set for in the proposed Easement for Building Encroachments which is on file and available for inspection in the office of the City Clerk; and,

WHEREAS, on October 26, 2015, by Roll Call No. 15-1777, the City Council received a recommendation from the City Plan and Zoning Commission that the subsurface area under the south side of the 700 block of High Street, more fully described below, be vacated and conveyed; and,

WHEREAS, on April 11, 2016, by Roll Call No. 12-0633, it was duly resolved by the City Council that the proposed vacation and conveyance of an easement within such right-of-way be set down for hearing on April 25, 2016, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way 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, the objections to said proposed vacation and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.

( continued )



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2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the subsurface area under the south side of the 700 block of High Street, more specifically described as follows:

The subsurface area lying below the public sidewalk on the South 10.0 feet of the High Street right-of-way lying North of and adjoining Block F, Grimmel's Addition to the Town of Fort Des Moines, an Official Plat; and lying below the South 10.0 feet of High Street right-of-way lying North of and adjoining the West 9.33 feet of 7th Street lying East of and adjoining said Block F, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of an easement for building encroachments within above described right-of-way to 7&Grand Ramp Developer, LLC, is hereby approved. The Mayor is authorized and directed to sign the proposed Easement for Building Encroachments as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. Upon final passage of an ordinance vacating the said right-of-way, the City Clerk is authorized and directed to forward the original of the said Easement for Building Encroachments, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to Legal Department for release to 7&Grand.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown, Assistant City Attorney

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

MOTION CARRIED

APPROVED

T. 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