



Roll Call Number

16-1608

Agenda Item Number

23

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Date September 26, 2016

SET HEARING FOR VACATION OF A PORTION OF SOUTHEAST 4TH STREET RIGHT-OF-WAY ADJOINING 118 SOUTHEAST 4TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO EAST 4TH STREET, L.L.C., FOR \$1,156.00

WHEREAS, on August 18, 2016, the City Plan and Zoning Commission approved a request from East 4th Street, L.L.C. for the vacation of a 6-foot by 50-foot segment of the west side of Southeast 4th Street right-of-way adjoining 118 Southeast 4th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and the reservation of the right of entry for servicing the same; and

WHEREAS, on September 12, 2016, by Roll Call No. 16-1506, the City Council received and filed the recommendation from the City Plan and Zoning Commission that the 6-foot by 50-foot segment of the west side of Southeast 4th Street right-of-way adjoining 118 Southeast 4th Street ("Property"), hereinafter more fully described, be vacated subject to the reservation of any necessary easements for all existing utilities; and,

WHEREAS, East 4th Street, L.L.C., the owner of 118 Southeast 4th Street, has offered to the City of Des Moines, Iowa, ("City") the purchase price of \$1,156.00 for the purchase of a Permanent Easement for Building Encroachment in the Property to allow for accommodation of a new emergency landing and stairway, and in order to mitigate existing building egress stair encroachments, which price reflects the fair market value of said portion of vacated street right-of-way as currently determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the conveyance of a Permanent Easement for Building Encroachment in said Property.

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

- 1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a 6-foot by 50-foot segment of Southeast 4th Street right-of-way adjoining 118 Southeast 4th Street, as legally described below:

THE WEST 6 FEET OF SE 4TH STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING THE SOUTH 0.4 FEET OF VACATED EAST/WEST ALLEY, BLOCK 4, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, AND LYING EAST OF AND ADJOINING THE NORTH 49.6 FEET OF LOT 7 IN SAID BLOCK 4, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING 300 SQUARE FEET.

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2. That if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described right-of-way, the City of Des Moines further proposes to convey a Permanent Easement for Building Encroachment, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: East 4th Street, L.L.C.

Consideration: \$1,156.00

Legal Description:

THE WEST 6 FEET OF VACATED SE 4TH STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING THE SOUTH 0.4 FEET OF VACATED EAST/WEST ALLEY, BLOCK 4, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, AND LYING EAST OF AND ADJOINING THE NORTH 49.6 FEET OF LOT 7 IN SAID BLOCK 4, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING 300 SQUARE FEET.

3. That the meeting of the City Council of the City of Des Moines, Iowa, at which the vacation and proposed conveyance of such right-of-way is to be considered, shall be on October 10, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, 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 §362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Gray to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Assistant City Attorney

PSW

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, TOTAL. Includes signature of 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