

★ Roll Call Number  
16-1818

Agenda Item Number  
21 A

Date October 24, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE  
 PLAN AND ZONING COMMISSION REGARDING REQUEST FROM  
 220 SE 6TH STREET PROPERTIES, LLC FOR VACATION OF SUBSURFACE AND  
 AIR RIGHTS IN EAST ELM STREET, EAST 5<sup>TH</sup> STREET AND EAST 6<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2016, its members voted 12-0 to recommend **APPROVAL** of a request from 220 SE 6th Street Properties, LLC (owner), 220 Southeast 6th Street, represented by Adam Peterson (officer), for vacation of the following, all subject to reservation of easements for any existing utilities until such time as they are abandoned or relocated:

- A) Subsurface rights in the north 1 foot of East Elm Street running from Southeast 6th Street to a point 206.02 feet to the west, to allow for the encroachment of the foundation system of a proposed building on the adjoining subject property;
- B) Subsurface rights in the east 1 foot of East 5th Street running from East Elm Street to a point 13.5 feet to the north, to allow for the encroachment of the foundation system of the proposed building;
- C) Air rights in the north 4 feet of East Elm Street running from a point 167.36 feet west of East 6th Street to a point 193.36 west of East 6th Street, to allow for the encroachment of a canopy over a parking structure entrance on the proposed building;
- D) Air rights in the west 2 feet of East 6th Street running from a point 53.45 feet north of East Elm Street to a point 64.55 feet north of East Elm Street, to allow for the encroachment of a canopy over a proposed front entrance on the proposed building; and
- E) Air rights in the west 1 foot of East 6th Street running from a point 50.58 feet north of East Elm Street to a point 120.58 feet north of East Elm Street, to allow for the encroachment of a roof overhang from the proposed building.

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

FORM APPROVED:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

(11-2016-1.19)

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