

★ Roll Call Number

16-2061

Agenda Item Number

20

Date December 5, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 14 WALNUT, LLC FOR VACATION OF SUBSURFACE, SURFACE, AND AIR RIGHTS WITHIN PORTIONS OF FALCON DRIVE, WALNUT STREET, 14TH STREET, AND THE NORTH/SOUTH ALLEY, ALL ADJOINING 1400 WALNUT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 17, 2016, its members voted 10-0 to recommend APPROVAL of a request from 14 Walnut, LLC (developer), represented by Jeff Koch (officer), for vacation of the following described interests in City right-of-way adjoining 1400 Walnut Street, all subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated:

- A) Vacation of subsurface, surface, and air rights within the northern portion of Falcon Drive adjoining 1400 Walnut Street, to allow for balcony, subsurface building footing and surface door and gate encroachments.
B) Vacation of surface and subsurface rights within the south 1 foot of Walnut Street adjoining 1400 Walnut Street, to allow for subsurface building footing and doorway stoop encroachments.
C) Vacation of subsurface and air rights within the west 3 feet of 14th Street adjoining 1400 Walnut Street, to allow for balcony and subsurface building footing encroachments.
D) Vacation of surface and air rights within the east 3.5 feet of the north/south alley west of and adjoining 1400 Walnut Street, to allow for balcony and doorway encroachments.

MOVED by Hensley 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, Assistant City Attorney

(11-2016-1.23A-D)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (7 yeas).

MOTION CARRIED APPROVED 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