

★ Roll Call Number

16-2147

Agenda Item Number

19

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Date December 19, 2016

**SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR
BUILDING SETBACK ON CITY-OWNED PROPERTY LOCATED SOUTH OF 118
6TH AVENUE TO POLK COUNTY, IOWA FOR \$1.00**

WHEREAS, Polk County, Iowa ("Polk County") is the owner of the real property locally known as 110 Cherry Street formerly used as the Polk County Jail; and

WHEREAS, Polk County is redeveloping the former Jail site with a criminal courts building and has requested the conveyance of a Permanent Easement for Building Setback on City property located north of the former Jail site and south of and adjoining 118 6th Avenue, Des Moines, Iowa in order to satisfy City of Des Moines Building and Fire Code setback requirements; and

WHEREAS, Polk County has requested that the City convey said Permanent Easement for Building Setback to Polk County in accordance with Iowa Code Section 364.7(3) for the public purposes of a Polk County criminal courts building as consideration for the Permanent Easement for Building Setback; and

WHEREAS, Polk County has a 99 year lease with the City for use of the adjoining City-owned property, and the City will not be inconvenienced by the conveyance of said Permanent Easement for Building Setback.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Building Setback in a portion of City-owned property described below, located south of and adjoining 118 6th Avenue, Des Moines, Iowa, to Polk County Iowa for public use as a criminal courts building as consideration in accordance with Iowa Code Section 364.7(3):

Lot 7, and except the South 20 feet, all of vacated Plum Street right-of-way lying North of and adjoining Lot 6, all in Block 10, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. A public hearing shall be held on January 9, 2017, at 5:00 p.m. in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. There will be no proceeds associated with the conveyance of this Permanent Easement for Building Setback.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PSW

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 Fauh

City Clerk