

★ **Roll Call Number**
17-0070

Agenda Item Number
55

Date January 9, 2017

**HOLD 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.

WHEREAS, on December 19, 2016, by Roll Call No. 16-2147, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Permanent Easement for Building Setback be set down for hearing on January 9, 2017, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Permanent Easement for Building Setback was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the Permanent Easement for Building Setback in a portion of City-owned property located south of and adjoining 118 6th Avenue, Des Moines, Iowa, as legally described below, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the property interest proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the Permanent Easement for Building Setback in a portion of City-owned property, as legally described below, located south of and adjoining 118 6th Avenue, Des Moines, Iowa, to Polk County Iowa for public use as a Polk County 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.

3. The Mayor is authorized and directed to sign the Permanent Easement for Building Setback for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The City Clerk is authorized and directed to forward the original of the Permanent Easement for Building Setback, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.

5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Building Setback, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Manager's Office for acceptance by the Polk County Board of Supervisors and recording of these documents.

6. There are no proceeds associated with this transaction.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

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

MOTION CARRIED 7 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