



**Roll Call Number**

17-0185

**Agenda Item Number**

19

**Date** February 6, 2017

**SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY AND A PERMANENT EASEMENT FOR ENCROACHMENT ON VACATED CITY ALLEY LOCATED NORTH OF AND ADJOINING 401 LOCUST STREET TO HOTEL DES MOINES OPCO, L.L.C. FOR \$14,300.00**

**WHEREAS**, on June 4, 1979, by Roll Call 2220, the City Council of the City of Des Moines passed Ordinance No. 9586 permanently vacating the east-west alley lying north of and adjoining Lots 1 and 2, Block D, Commissioner's Addition, an Official Plat, locally known as 401 Locust Street, Des Moines, Iowa (hereinafter "City Property"); and

**WHEREAS**, Hotel Des Moines, L.P., 2120 High Wickham Place, Suite 200, Louisville, KY 40245, owns the real property located south of and adjoining said City Property, and Hotel Des Moines OPCO, L.L.C., an affiliate of Hotel Des Moines, L.P., has offered to the City of Des Moines the purchase price of \$14,300.00 for the purchase of a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Encroachment onto said Property for the limited purpose of the Buyer installing, repairing, and maintaining a trash receptacle enclosure and fire escapes within the City Property, which price reflects the fair market value of the easement interests as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City will not be inconvenienced by the proposed conveyance of said easement interests.

**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 Air Space Above City-owned Property and a Permanent Easement for Encroachment as legally described and to the grantees and for the consideration identified below:

Grantee: Hotel Des Moines OPCO, L.L.C.  
Consideration: \$14,300.00

**LEGAL DESCRIPTION - ENCROACHMENT EASEMENT**

THE WEST 25.00 FEET OF THE VACATED ALLEY LYING DIRECTLY ADJACENT TO LOTS 2 & 6, IN BLOCK 'D' OF COMMISSIONER'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 105 AT THE POLK COUNTY RECORDER'S OFFICE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS:



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BEGINNING AT THE NW CORNER OF SAID LOT 2; THENCE N16°14'58"W, 16.50 FEET TO THE SW CORNER OF SAID LOT 6; THENCE N73°45'02"E, 25.00 FEET ALONG THE SOUTH LINE OF SAID LOT 6 TO A POINT; THENCE S16°14'58"E, 16.50 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE S73°45'02"W, 25.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 412 SQUARE FEET;

**LEGAL DESCRIPTION - EAST AIR RIGHTS EASEMENT**

AN AIR RIGHTS EASEMENT IN THE VACATED ALLEY LYING DIRECTLY ADJACENT TO LOT 1, IN BLOCK 'D' OF COMMISSIONER'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 105 AT THE POLK COUNTY RECORDER'S OFFICE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS:

COMMENCING AS A POINT OF REFERENCE AT THE NE CORNER OF SAID LOT 1, SAID NE CORNER ALSO BEING ON THE SOUTH VACATED RIGHT-OF-WAY LINE OF VACATED ALLEY AS IT IS PRESENTLY ESTABLISHED; THENCE S73°45'02"W, 4.50 FEET ALONG THE NORTH LINE OF SAID LOT 1 AND SAID SOUTH VACATED RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE S73°45'02"W, 35.00 FEET ALONG SAID NORTH LINE AND SAID VACATED SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE N16°14'58"W, 5.00 FEET TO A POINT; THENCE N73°45'02"E, 35.00 ALONG A LINE THAT IS 5.00 FEET NORTH OF AND PARALLEL TO SAID NORTH LINE OF LOT 1 TO A POINT; THENCE S16°14'58"E, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 175 SQUARE FEET MORE OR LESS. ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 137.0 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 39.0 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 31.5 FEET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**LEGAL DESCRIPTION - WEST AIR RIGHTS EASEMENT**

AN AIR RIGHTS EASEMENT IN THE VACATED ALLEY LYING DIRECTLY ADJACENT TO LOT 2, IN BLOCK 'D' OF COMMISSIONER'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 105 AT THE POLK COUNTY RECORDER'S OFFICE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS:



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COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 2, SAID NW CORNER ALSO BEING ON THE SOUTH VACATED RIGHT-OF-WAY LINE OF VACATED ALLEY AS IT IS PRESENTLY ESTABLISHED; THENCE N73°45'02"W, 7.00 FEET ALONG THE NORTH LINE OF SAID LOT 2 AND SAID VACATED SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE N73°45'02"E, 25.00 FEET ALONG SAID NORTH LINE AND SAID SOUTH VACATED RIGHT-OF-WAY LINE TO A POINT; THENCE N16°14'58"W, 5.00 FEET TO A POINT; THENCE S73°45'02"W, 25.00 FEET ALONG A LINE THAT IS 5.00 FEET NORTH OF AND PARALLEL TO SAID NORTH LINE OF LOT 2 TO A POINT; THENCE S16°14'58"E, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 125 SQUARE FEET MORE OR LESS. ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 147.0 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 39.0 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 32.6 FEET, 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 February 20, 2017, 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. 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

RW

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

MOTION CARRIED APPROVED

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk