



Roll Call Number

180194

Agenda Item Number

18

Page 1

Date February 5, 2018

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF EAST 12<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING 623 EAST 12<sup>TH</sup> STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT AND A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY TO CAPITOL VIEW CREDIT UNION FOR \$514.00

WHEREAS, on November 6, 2017, by Roll Call No. 17-1885, the City Council of the City of Des Moines, Iowa, received and filed a communication from the City Plan and Zoning Commission recommending approval of a request from Capitol View Credit Union for the vacation of a portion of East 12th Street right-of-way adjoining 623 East 12th Street (hereinafter "City Right-of-Way") to allow for permanent encroachment of a concrete stoop and protective bollards into the City Right-of-Way, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

WHEREAS, subsequent to the City Plan and Zoning Commission recommendation Capitol View Credit Union determined that an entrance canopy would also encroach into the City Right-of-Way; and

WHEREAS, Capitol View Credit Union, owner of the adjoining property at 623 East 12<sup>th</sup> Street, has offered to the City the purchase price of \$514.00 for the purchase of a Permanent Easement For Building Encroachment and a Permanent Easement for Air Space Above City-Owned Property in said City Right-of-Way, hereinafter more fully described, to allow for encroachment into the City Right-of-Way of a concrete stoop, protective bollards and an entrance canopy, which price reflects the fair market value of the Permanent Easement For Building Encroachment and Permanent Easement for Air Space Above City-Owned Property as determined by the City's Real Estate Division; and

WHEREAS, there is no public need or benefit for the right-of-way proposed to be vacated and sold, and the public would not be inconvenienced by reason of the Permanent Easement For Building Encroachment and Permanent Easement for Air Space Above City-Owned Property within said City Right-of-Way.

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

- 1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating portions of East 12th Street right-of-way adjoining 623 East 12th Street, more specifically described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated:

COMMENCING AT THE NW CORNER OF LOT 12, BLOCK 18 STEWARTS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°02'29" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF EAST 12TH STREET, AS PRESENTLY ESTABLISHED, A DISTANCE OF 35.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°02'13" EAST, A DISTANCE OF 26.00 FEET;



Roll Call Number

18-0194

Agenda Item Number

18

Page 2

Date February 5, 2018

THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 1.00 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 1.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 5.50 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 6.25 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 5.50 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 18.75 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING; AND CONTAINING 60.38 SQUARE FEET;

And

COMMENCING AT THE NW CORNER OF LOT 12, BLOCK 18 STEWARTS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°02'29" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF EAST 12TH STREET, AS PRESENTLY ESTABLISHED, A DISTANCE OF 35.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°02'13" EAST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 2.33 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 26.00 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 2.33 FEET TO THE POINT OF BEGINNING; ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 133 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 128 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 120 FEET; AND CONTAINING 60.58 SQUARE FEET;

- 2. That, if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described City Right-of-Way, the City of Des Moines, Iowa, further proposes to convey a Permanent Easement For Building Encroachment and a Permanent Easement for Air Space Above City-Owned Property therein, as legally described as follows, to Capitol View Credit Union, for \$514.00:

Building Encroachment Easement

COMMENCING AT THE NW CORNER OF LOT 12, BLOCK 18 STEWARTS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°02'29" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF EAST 12TH STREET, AS PRESENTLY ESTABLISHED, A DISTANCE OF 35.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°02'13" EAST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 1.00 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 1.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 5.50 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 6.25 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 5.50 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 18.75 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING; AND CONTAINING 60.38 SQUARE FEET;

And

Air Space Easement



Roll Call Number

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Agenda Item Number

18

Page 3

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COMMENCING AT THE NW CORNER OF LOT 12, BLOCK 18 STEWARTS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°02'29" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF EAST 12TH STREET, AS PRESENTLY ESTABLISHED, A DISTANCE OF 35.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°02'13" EAST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 74°57'47" WEST, A DISTANCE OF 2.33 FEET; THENCE NORTH 15°02'13" WEST, A DISTANCE OF 26.00 FEET; THENCE NORTH 74°57'47" EAST, A DISTANCE OF 2.33 FEET TO THE POINT OF BEGINNING; ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 133 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 128 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 120 FEET; AND CONTAINING 60.58 SQUARE FEET;

(VACATED BY ORDINANCE NO. \_\_\_\_\_, PASSED \_\_\_\_\_, 2018);

- 3. That the meeting of the City Council at which said vacation and the conveyance is to be considered shall be on February 19, 2018, said meeting to be held 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.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached, all in accordance with §362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

psw

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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 Mayor

Diane Rauh City Clerk