

★ **Roll Call Number**
18-0266

Agenda Item Number
22

Date February 19, 2018

SET HEARING FOR VACATION OF PORTIONS OF THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING 121 12TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO 12TH STREET LOFTS, LLC FOR \$3,200.00

WHEREAS, on January 8, 2018, by Roll Call No. 18-0043, 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 12th Street Lofts, LLC for the vacation of a 3.5 foot by 4 foot segment and a 5.5 foot by 12 foot segment of surface rights within the north/south alley lying east of and adjoining 121 12th Street (hereinafter collectively "City Right-of-Way") to allow an electrical room door and transformer enclosure access gates to encroach into the alley, subject to the following conditions:

1. Reservations of any necessary easement for all existing utilities in place until such time that they are abandoned or are relocated;
2. Demonstration by the applicant that it is not feasible for the subject pedestrian door to swing inward to the satisfaction of the Planning Administrator; and
3. A window in the door shall be provided if it is determined by the Planning Administrator that the door cannot swing into the electrical room per condition #2.

WHEREAS, the City's Planning Administrator is satisfied with 12th Street Lofts, LLC's compliance with conditions 2 and 3; and

WHEREAS, 12th Street Lofts, LLC, owner of the adjoining property, 121 12th Street, has offered to the City the purchase price of \$3,200.00 for the purchase of a Permanent Easement For Building Encroachment in said City Right-of-Way, hereinafter more fully described, to allow for encroachment into the City Right-of-Way for two permanent building door swings for electrical and transformer access, subject to the reservations of any necessary easement for all existing utilities in place until such time that they are abandoned or are relocated, which price reflects the fair market value of the easement interests in said City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, there is no public need or benefit for the City Right-of-Way proposed to be vacated and sold, and the public would not be inconvenienced by reason of the vacation and sale of the easement interests in 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 a portion of the adjoining north/south alley, more specifically described as

★ Roll Call Number
18-0266

Agenda Item Number
22

Date February 19, 2018

follows, subject to the reservations of any necessary easement for all existing utilities in place until such time that they are abandoned or are relocated:

Electrical Door Swing:

That part of the Vacated Public Alley right-of-way lying East of and adjoining Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence North 15°25'43" West, 15.50 feet along the East line of said Lot 3 to the Point of Beginning; thence continuing North 15°25'43" West, 4.00 feet along the East line of said Lot 3; thence North 74°34'17" East, 3.50 feet; thence South 15°25'43" East, 4.00 feet; thence South 74°34'17" West, 3.50 feet to the point of beginning.

Containing 14.00 square feet.

Transformer Gate Door Swing:

That part of the Vacated Public Alley right-of-way lying East of and adjoining Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence North 15°25'43" West, 2.92 feet along the East line of said Lot 3 to the Point of Beginning; thence continuing North 15°25'43" West, 12.00 feet along the East line of said Lot 3; thence North 74°34'17" East, 5.50 feet; thence South 15°25'43" East, 12.00 feet; thence South 74°34'17" West, 5.50 feet to the point of beginning.

Containing 66.00 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 therein, as legally described as follows, to 12th Street Lofts, LLC, for \$3,200.00, subject to the reservations of any necessary easement for all existing utilities in place until such time that they are abandoned or are relocated:

★ **Roll Call Number**
18-0266

Agenda Item Number
22

Date February 19, 2018

Electrical Door Swing:

That part of the Vacated Public Alley right-of-way lying East of and adjoining Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence North 15°25'43" West, 15.50 feet along the East line of said Lot 3 to the Point of Beginning; thence continuing North 15°25'43" West, 4.00 feet along the East line of said Lot 3; thence North 74°34'17" East, 3.50 feet; thence South 15°25'43" East, 4.00 feet; thence South 74°34'17" West, 3.50 feet to the point of beginning.

Containing 14.00 square feet.

Transformer Gate Door Swing:

That part of the Vacated Public Alley right-of-way lying East of and adjoining Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said Lot 3 in Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence North 15°25'43" West, 2.92 feet along the East line of said Lot 3 to the Point of Beginning; thence continuing North 15°25'43" West, 12.00 feet along the East line of said Lot 3; thence North 74°34'17" East, 5.50 feet; thence South 15°25'43" East, 12.00 feet; thence South 74°34'17" West, 5.50 feet to the point of beginning.

Containing 66.00 square feet.

3. That the meeting of the City Council at which said vacation and the conveyance is to be considered shall be on March 8, 2018, said meeting to be held at 8:00 a.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.

★ Roll Call Number
18-0266

Agenda Item Number
22

Date February 19, 2018

Moved by Gatto to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

RW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

T. M. Franklin Cownie
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.


City Clerk