

★ Roll Call Number

18-0451

Agenda Item Number

18

Date March 19, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 5TH AND WALNUT PARKING, LLC FOR VACATION OF SUBSURFACE AND AIR RIGHTS IN 5TH STREET AND ALLEY RIGHT-OF-WAY ADJOINING 422 WALNUT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 1, 2018, its members voted 9-0 to recommend APPROVAL of a request from 5th and Walnut Parking, LLC (purchaser), represented by Justin Mandelbaum (officer), for vacation of the following described interests in 5th Street and in north/south alley right-of-way adjoining 422 Walnut Street to allow for an entrance canopy and sun shade projections and building footings for an 11-story parking structure, subject to (1) the provision of easements for any existing utilities until such time that they are abandoned or relocated, and (2) so long as any proposed structure is constructed in compliance with an approved site plan:

- A. A 2.50-foot by 206.85-foot segment of subsurface rights within 5th Street west of and adjoining 422 Walnut Street, and a 2.50-foot by 10.00-foot segment of the subsurface rights in the north/south alley east of and adjoining 422 Walnut Street, to allow subsurface footing encroachments; and
B. A 1.50-foot by 225.00-foot segment of air rights within 5th Street west of and adjoining 422 Walnut Street for an attached grade screen, and a 5.00-foot by 185.80-foot segment of air rights from 5th Street west of and adjoining 422 Walnut Street for an entrance canopy.

MOVED by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(11-2018-1.02)

*Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.

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 Council Mayor

Diane Rauh City Clerk