



Roll Call Number

18-0457

Agenda Item Number

24 ✓

Date March 19, 2018

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF GRAND AVENUE RIGHT-OF-WAY ADJOINING 665 GRAND AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY AND A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY TO MIESBLOCK COMMERCIAL, LLC FOR \$6,870.00

WHEREAS, on February 5, 2018, by Roll Call No. 18-0193, 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 Miesblock Commercial, LLC for the vacation of subsurface rights and air rights in a portion of Grand Avenue right-of-way adjoining 665 Grand Avenue (hereinafter "City Right-of-Way") to allow for permanent encroachment of subsurface building foundations, an entrance canopy and building sunscreens 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, and further subject to the requirement that any proposed structure be constructed in compliance with a City-approved site plan.

WHEREAS, Miesblock Commercial, LLC, owner of the adjoining property at 665 Grand Avenue, has offered to the City the purchase price of \$6,870.00 for the purchase of a Permanent Easement For Subsurface Building Encroachment on City-owned Property 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 subsurface building foundations, an entrance canopy and building sunscreens, which price reflects the fair market value of the Permanent Easement For Subsurface Building Encroachment on City-owned Property and Permanent Easement for Air Space Above City-Owned Property as determined by the City's Real Estate Division; and

WHEREAS, said fair market value above reflects a credit of \$3,920.00 being granted to Miesblock Commercial, LLC for the release of a previously conveyed permanent easement for air space above City-owned property in 2016 that is no longer required, due to building design changes and which Miesblock Commercial, LLC has agreed to release; 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 Subsurface Building Encroachment on City-owned Property 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 Grand Avenue right-of-way adjoining 665 Grand Avenue, more specifically described as follows, subject to the reservation of any necessary easements for all existing



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utilities in place until such time that they are abandoned or are relocated and further subject to the requirement that any proposed structure be constructed in compliance with a City-approved site plan:

A PART OF LOT 1 OF THE OFFICIAL PLAT OF LOTS 4 & 5 BLOCK E GRIMMEL'S ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK E; THENCE NORTH 15°D21'23" WEST ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF THE SOUTH 7.00 FEET OF SAID LOT 1; THENCE SOUTH 74°d12'27" WEST ALONG SAID NORTH LINE, 34.47 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°D47'33" EAST, 6.25 FEET; THENCE SOUTH 74°d12'27" WEST, 21.00 FEET; THENCE NORTH 15°d47'33" WEST, 6.25 FEET TO SAID NORTH LINE; THENCE NORTH 74°d12'27" EAST ALONG SAID NORTH LINE, 21.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 131 S.F. WHICH IS BELOW A PLANE ELEVATION OF 50.30 FEET CITY DATUM AND WHICH IS ABOVE A PLAN ELEVATION OF 48.30 FEET CITY DATUM, CURRENT GROUND ELEVATION 41.30 FEET;

AND

A PART OF LOT 1 OF THE OFFICIAL PLAT OF LOTS 4 & 5 BLOCK E GRIMMEL'S ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK E; THENCE NORTH 15°D21'23" WEST ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF THE SOUTH 7.00 FEET OF SAID LOT 1; THENCE SOUTH 74°d12'27" WEST ALONG SAID NORTH LINE, 0.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°D47'33" EAST, 3.00 FEET; THENCE SOUTH 74°d12'27" WEST, 65.50 FEET; THENCE NORTH 15°d47'33" WEST, 3.00 FEET TO SAID NORTH LINE; THENCE NORTH 74°d12'27" EAST ALONG SAID NORTH LINE, 65.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 197 S.F. WHICH IS BELOW A PLANE ELEVATION OF 87.50 FEET CITY DATUM AND WHICH IS ABOVE A PLAN ELEVATION OF 55.00 FEET CITY DATUM, CURRENT GROUND ELEVATION 41.30 FEET;

AND

A PART OF LOT 1 OF THE OFFICIAL PLAT OF LOTS 4 & 5 BLOCK E GRIMMEL'S ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK E; THENCE NORTH 15°D21'23" WEST ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF THE SOUTH 7.00 FEET OF SAID LOT 1; THENCE SOUTH 74°d12'27" WEST ALONG SAID NORTH LINE, 1.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°D47'33" EAST, 2.00 FEET; THENCE SOUTH 74°d12'27" WEST, 63.50 FEET; THENCE NORTH



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15°d47'33" WEST, 2.00 FEET TO SAID NORTH LINE; THENCE NORTH 74°d12'27" EAST ALONG SAID NORTH LINE, 63.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 127 S.F.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 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 Subsurface Building Encroachment on City-owned Property and a Permanent Easement for Air Space Above City-Owned Property therein to Miesblock Commercial, LLC, for \$6,870.00:
3. That the meeting of the City Council at which said vacation and the conveyance is to be considered shall be on April 9, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, 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

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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. McFranklin, Mayor

Diane Rauh, City Clerk