



Roll Call Number

18-0570

Agenda Item Number

26

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Date April 9, 2018

SET HEARING FOR CONVEYANCE OF PERMANENT EASEMENTS ON CITY-OWNED PROPERTY LOCATED NORTH OF AND ADJOINING 440 EAST GRAND AVENUE TO RE3, LLC FOR \$350.00

WHEREAS, on February 23, 2004, by Roll Call No. 04-418, the City Council of the City of Des Moines, Iowa, passed Ordinance No. 14,320 vacating the east-west alley right-of-way in the block bounded by East Grand Avenue and Des Moines Street and by East 4th Street and East 5th Street, and adjoining 440 East Grand Avenue, Des Moines, Iowa (hereinafter "City Property"); and

WHEREAS, RE3,LLC, owner of the property at 440 East Grand Avenue, has offered to the City the purchase price of \$350.00 for the purchase of a Permanent Easement for Building Encroachment, a Permanent Easement for Building Setback, and a Permanent Easement for Ingress and Egress (hereinafter collectively "Easements") in said City Property, hereinafter more fully described, to allow for encroachment into the City Property of a concrete stoop and door swing, to assure that a minimum ten (10) foot separation distance is maintained between the improvements located on 440 East Grand Avenue, Des Moines, Iowa and any future improvements constructed on the property located north of and adjoining 440 East Grand Avenue, and to allow emergency exit from the rear of the improvements located on 440 East Grand Avenue, Des Moines, Iowa; which price reflects the fair market value of the Easements as determined by the City's Real Estate Division; and

WHEREAS, there is no public need or benefit for the Easements proposed to be conveyed, and the public would not be inconvenienced by reason of the Permanent Easement for Building Encroachment, a Permanent Easement for Building Setback, and a Permanent Easement for Ingress and Egress within said City Property.

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, proposes to convey a Permanent Easement for Building Encroachment, a Permanent Easement for Building Setback, and a Permanent Easement for Ingress and Egress, as legally described as follows, to RE3, LLC, for \$350.00:

Easement Building Encroachment

Commencing as a point of reference at the northeast corner of Lot 8, Block 10 East Fort Des Moines, an Official Plat, thence S74°50'43"W, 40.68 feet along the north line of said Lot 8 to the point of beginning; thence N15°12'58"W, 5.00 feet to a point; thence S74°50'43"W, 5.00 feet to a point; thence S15°12'58"E, 5.00 feet to a point on said north lot line of Lot 8; thence continuing along said north lot line N74°50'43"E, 5.00 feet to the point of beginning. All containing 25 square feet more or less.



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Easement for Building Setback

The south ten (10) feet of the vacated east-west alley right-of-way lying North of and adjoining Lot 8, Block 10, East Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Easement for Ingress and Egress

The south ten (10) feet of the vacated east-west alley right-of-way lying North of and adjoining Lot 8, Block 10, East Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

- 2. That the meeting of the City Council at which said conveyance is to be considered shall be on April 23, 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.
3. 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.
4. 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

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

MOTION CARRIED 7 APPROVED T. M. Franklin Council 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.

Diane Rauh City Clerk