



Roll Call Number

18-1023

Agenda Item Number

59

Date June 11, 2018

RESOLUTION DISMISSING HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF 5TH AVENUE RIGHT-OF-WAY AND ALLEY RIGHT-OF-WAY 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 5TH AND WALNUT PARKING LLC FOR \$38,630.00

WHEREAS, on May 21, 2018, by Roll Call No. 18-0872, the City Council voted to set the date for a hearing on June 11, 2018 on a request to vacate portions of 5th Avenue and alley right-of-way adjoining 422 Walnut Street and convey a Permanent Easement for Subsurface Building Encroachment on City-Owned Property and a Permanent Easement for Air Space Above City-Owned Property to 5th and Walnut Parking LLC for \$38,630.00; and

WHEREAS, notice of the public hearing on the proposed vacation and conveyance of permanent easements was given to all interested parties as provided by law; and

WHEREAS, 5th and Walnut Parking LLC has since determined that the permanent easement for air space is not needed at this time, and wishes to proceed only with the vacation of subsurface rights and the conveyance of the Permanent Easement for Subsurface Building Encroachment on City-Owned Property.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, Council hereby dismisses the public hearing for approval of documents for vacation of portions of 5th avenue right-of-way and portions of the north/south alley right-of-way all adjoining 422 Walnut Street 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 5th and Walnut Parking, LLC, for \$38,630.

(Council Communication No. 18-297)

Moved by Boesen to adopt.

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

APPROVED AS TO FORM:

Signature of Lisa A. Wieland, Assistant City Attorney

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.

Signature of T. M. Franklin, Mayor

Signature of Diane Rauh, City Clerk