



Roll Call Number

18-1065

Agenda Item Number

19A

Date June 25, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 111 EAST GRAND, LLC FOR VACATION OF SUBSURFACE RIGHTS IN EAST 2ND STREET RIGHT-OF-WAY ADJOINING 111 EAST GRAND AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 7, 2018, its members voted 7-5 to recommend APPROVAL of a request from 111 East Grand, LLC (owner), represented by Tim Rypma (officer), for vacation of a 12-foot by 40-foot subsurface segment of East 2nd Street adjoining 111 East Grand Avenue, to allow for placement of underground Fats, Oils, and Grease (FOG) interceptors to serve the proposed adjoining building, subject to the following conditions:

- 1. The vacation and conveyance of any subsurface easement shall be subject to termination by the City at any time the easement area should be needed for municipal facilities or improvements;
2. Upon termination of the easement by the City, the developer/owner shall remove the FOG Interceptor and related appurtenances at developer/owner's expense;
3. In the event that the City exercises its right to terminate the easement within the City's Right-of-Way, the building shall be plumb at this time and at the developer/owner's expense to allow for future relocation of the FOG interceptor to a location outside the City's Right-of-Way; and
4. Prior to the City granting the easement within the City's Right-of-Way, the developer/owner shall secure the alternative location for the FOG interceptor.

MOVED by Coleman 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, Assistant City Attorney

(11-2018-1.08)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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