



Roll Call Number

18-1244

Agenda Item Number

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Date July 23, 2018

SET HEARING FOR VACATION OF A PORTION OF WOODLAND AVENUE RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 616 10TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY TO PRINCIPAL LIFE INSURANCE COMPANY F/K/A PRINCIPAL MUTUAL LIFE INSURANCE COMPANY FOR \$630.00

WHEREAS, Principal Life Insurance Company f/k/a Principal Mutual Life Insurance Company, owner of 616 10th Street, Des Moines, Iowa, has offered to the City the purchase price of \$630.00 for the purchase of a Permanent Easement for Air Space Above City-Owned Property (hereinafter "Easement") within a portion of Woodland Avenue right-of-way located north of and adjoining 616 10th Street, hereinafter more fully described, to allow for an existing building overhang encroachment into said right-of-way, which price reflects the fair market value of the Easement as determined by the City's Real Estate Division; and

WHEREAS, there is no public need or benefit for the air space proposed to be vacated and conveyed, and the public would not be inconvenienced by reason of vacation of said right-of-way and the conveyance of the Easement within said City Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a .4-foot by 84.0-foot segment of the south side of Woodland Avenue right-of-way located north of and adjoining 616 10th Street, legally described as follows:

A PARCEL OF LAND LOCATED IN THE RIGHT-OF-WAY OF WOODLAND AVENUE, ALSO BEING LOCATED IN HOLCOMB'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. COMMENCING AT THE NORTHEAST CORNER OF LOT 5 OF SAID HOLCOMB'S ADDITION TO FORT DES MOINES; THENCE S79°55'09"W, 4.90 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF WOODLAND AVENUE TO THE POINT OF BEGINNING AT THE INTERSECTION OF AN EXISTING BUILDING AT 616 10TH STREET AND SAID RIGHT-OF-WAY LINE; THENCE N15°44'01"W, 0.47 FEET; THENCE S79°50'02"W, 83.91 FEET; THENCE S15°46'05"E, 0.35' FEET TO THE INTERSECTION OF SAID BUILDING LINE AND SAID RIGHT-OF-WAY LINE; THENCE N79°55'09"E, 83.92 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINING 35 SQUARE FEET WHICH CONTAINS THE EXISTING BUILDING AND ALL OVERHANGS AND APPURTENANCES THAT EXTEND INTO WOODLAND AVENUE RIGHT-OF-WAY, WHICH IS BELOW A PLANE ELEVATION OF 91.4 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 59.3 FEET CITY DATUM. GROUND ELEVATION BEING BETWEEN 59.3 AND 61.2 FEET CITY DATUM.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Air Space Above City-Owned Property in such vacated street right-of-way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:



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Grantee: Principal Life Insurance Company f/k/a Principal Mutual Life Insurance Company

Consideration: \$630.00

Legal Description:

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3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such Permanent Easement for Air Space Above City-Owned Property is to be considered shall be on August 6, 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 proposal 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.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				APPROVED

**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 Mayor

Diane Rauh City Clerk