



Roll Call Number

18-1402

Agenda Item Number

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Date August 20, 2018

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 6TH AVENUE STREET RIGHT-OF-WAY AND EAST-WEST ALLEY RIGHT-OF-WAY ADJOINING 206 6TH AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT AND A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY TO 206 6TH AVENUE, LLC FOR \$4,920.00

WHEREAS, on July 9, 2018, by Roll Call No. 18-1152, 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 206 6th Avenue, LLC for the vacation of a portion of east-west alley right-of-way and 6th Avenue right-of-way adjoining 206 6th Avenue (hereinafter "City Right-of-Way") to allow for the permanent encroachment of mechanical exhaust ducts, generator exhaust ducts, and a door swing 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

WHEREAS, 206 6th Avenue, LLC further requested the vacation of a portion of air rights within the City Right-of-Way to allow an entrance canopy encroachment subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request has been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

WHEREAS, 206 6th Avenue, LLC, owner of the adjoining property at 206 6th Avenue, has offered to the City the purchase price of \$4,920.00 for the purchase of a Permanent Easement for Building Encroachment 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 mechanical exhaust ducts, generator exhaust ducts, a door swing, and an entrance canopy, which price reflects the fair market value of the Permanent Easement for Building Encroachment and Permanent Easement for Air Space Above City-Owned Property as determined by the City's Real Estate Division; and

WHEREAS, there is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the conveyance of the Permanent Easement for Building Encroachment 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 east-west alley right-of-way and 6th Avenue right-of-way adjoining 206 6th Avenue, more specifically described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated:



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Part of the East-West Alley lying North of and adjoining Lot 6 in Block 11 of FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 6 in Block 11 of FORT DES MOINES; thence South 74°13'29" West, 37.72 feet along the North line of said Lot 6 to the Point of Beginning; thence continuing South 74°13'29" West, 4.00 feet along the North line of said Lot 6; thence North 15°46'31" West, 4.00 feet; thence North 74°13'29" East, 4.00 feet; thence South 15°46'31" East, 4.00 feet to the point of beginning.

Containing 16 square feet, more or less,

and;

Part of the East-West Alley lying North of and adjoining Lot 6 in Block 11 of FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 6 in Block 11 of FORT DES MOINES; thence South 74°13'29" West, 53.35 feet along the North line of said Lot 6 to the Point of Beginning; thence continuing South 74°13'29" West, 8.43 feet along the North line of said Lot 6; thence North 15°46'31" West, 3.00 feet; thence North 74°13'29" East, 8.43 feet; thence South 15°46'31" East, 3.00 feet to the point of beginning.

Containing 25 square feet, more or less,

and;

Part of the East-West Alley lying North of and adjoining Lot 6 in Block 11 of FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 6 in Block 11 of FORT DES MOINES; thence South 74°13'29" West, 16.03 feet along the North line of said Lot 6 to the Point of Beginning; thence continuing South 74°13'29" West, 18.67 feet along the North line of said Lot 6; thence North 15°46'31" West, 3.00 feet; thence North 74°13'29" East, 18.67 feet; thence South 15°46'31" East, 3.00 feet to the point of beginning.

Containing 56 square feet, more or less,

and;



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That part of 6th Avenue right-of-way adjoining Lots 5 and 6 in Block 11 of FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said Lot 5 in Block 11 of FORT DES MOINES; thence North 15°25'50" West, 58.69 feet along the West right-of-way line of said 6th Avenue, also being East line of said Block 11, to the Point of Beginning; thence continuing North 15°25'50" West, 15.83 feet along the West right-of-way line of said 6th Avenue; thence North 74°34'10" East, 9.58 feet; thence South 15°25'50" East, 15.83 feet; thence South 74°34'10" West, 9.58 feet to the point of beginning.

Lying above elevation 43.00 feet, City of Des Moines Vertical Datum (reference ground level elevation of 33.57 feet, City of Des Moines Vertical Datum).

Horizontally containing 152 square feet, more or less.

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 Building Encroachment and a Permanent Easement for Air Space Above City-Owned Property therein, as legally described as follows, to 206 6th Avenue, LLC, for \$4,920.00:

Building Encroachment Easement

Part of the Vacated East-West Alley lying North of and adjoining Lot 6 in Block 11 of FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 6 in Block 11 of FORT DES MOINES; thence South 74°13'29" West, 37.72 feet along the North line of said Lot 6 to the Point of Beginning; thence continuing South 74°13'29" West, 4.00 feet along the North line of said Lot 6; thence North 15°46'31" West, 4.00 feet; thence North 74°13'29" East, 4.00 feet; thence South 15°46'31" East, 4.00 feet to the point of beginning.

Containing 16 square feet, more or less,

and;

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Commencing at the Northeast corner of said Lot 6 in Block 11 of FORT DES MOINES; thence South 74°13'29" West, 53.35 feet along the North line of said Lot 6 to the Point of Beginning; thence continuing South 74°13'29" West, 8.43 feet along the North line of said Lot 6; thence North 15°46'31" West, 3.00 feet; thence North 74°13'29" East, 8.43 feet; thence South 15°46'31" East, 3.00 feet to the point of beginning.

Containing 25 square feet, more or less,

and;

Part of the Vacated East-West Alley lying North of and adjoining Lot 6 in Block 11 of FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 6 in Block 11 of FORT DES MOINES; thence South 74°13'29" West, 16.03 feet along the North line of said Lot 6 to the Point of Beginning; thence continuing South 74°13'29" West, 18.67 feet along the North line of said Lot 6; thence North 15°46'31" West, 3.00 feet; thence North 74°13'29" East, 18.67 feet; thence South 15°46'31" East, 3.00 feet to the point of beginning.

Containing 56 square feet, more or less.

Air Space Easement

That part of Vacated 6th Avenue right-of-way adjoining Lots 5 and 6 in Block 11 of FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of said Lot 5 in Block 11 of FORT DES MOINES; thence North 15°25'50" West, 58.69 feet along the West right-of-way line of said 6th Avenue, also being East line of said Block 11, to the Point of Beginning; thence continuing North 15°25'50" West, 15.83 feet along the West right-of-way line of said 6th Avenue; thence North 74°34'10" East, 9.58 feet; thence South 15°25'50" East, 15.83 feet; thence South 74°34'10" West, 9.58 feet to the point of beginning.

Lying above elevation 43.00 feet, City of Des Moines Vertical Datum (reference ground level elevation of 33.57 feet, City of Des Moines Vertical Datum). Horizontally containing 152 square feet, more or less;

3. That the meeting of the City Council at which said vacation and the conveyance is to be considered shall be on September 10, 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.



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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 Boesen to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

BM

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

MOTION CARRIED 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