



Roll Call Number

18-1836

Agenda Item Number

20

Date November 5, 2018

Page 1

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SEGMENTS OF LOCUST STREET AND EAST-WEST ALLEY RIGHT-OF-WAY ADJOINING 1416 LOCUST STREET, AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT – DOOR SWING TO SAGA COMMUNICATIONS OF IOWA, LLC D/B/A DES MOINES RADIO GROUP FOR \$1,320.00

WHEREAS, Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group, an Iowa limited liability company, owner of 1416 Locust Street, Des Moines, Iowa, has offered to the City the purchase price of \$1,320.00 for the purchase of a Permanent Easement for Building Encroachment – Door Swing (hereinafter “Easement”) upon portions of vacated Locust Street and east-west alley right-of-way adjoining 1416 Locust Street, hereinafter more fully described, to allow for the construction, repair, and maintenance of building door entrance stoops and door swing areas, with planters or other City-approved barriers on each side of each door, into and upon 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 right-of-way 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 12 square foot segment of the south side of Locust Street right-of-way and a 21 square foot segment of east-west alley right-of-way, both adjoining 1416 Locust Street, Des Moines, Iowa legally described as follows:

AREA A

THAT PART OF LOCUST STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 74°09'55" EAST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 42.87 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°50'05" WEST, 2.00 FEET; THENCE NORTH 74°09'55" EAST, 6.00 FEET; THENCE SOUTH 15°50'05" EAST, 2.00 FEET TO SAID NORTH LINE; THENCE SOUTH 74°09'55" WEST ALONG SAID NORTH LINE, 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 12 S.F.

AREA B



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30

Date November 5, 2018

THAT PART OF THE ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 74°09'17" WEST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 13.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°50'43" EAST, 3.00 FEET; THENCE SOUTH 74°09'17" WEST, 7.00 FEET; THENCE NORTH 15°50'43" WEST, 3.00 FEET TO SAID SOUTH LINE; THENCE NORTH 74°09'17" EAST ALONG SAID SOUTH LINE, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 21 S.F.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to the requirement that bollards, planters or other City-approved barriers be placed on each side of each door:

Grantee: Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group

Consideration: \$1,320.00

Legal Description:

AREA A

THAT PART OF THE VACATED LOCUST STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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AREA B

THAT PART OF THE VACATED ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such Permanent Easement for Building Encroachment – Door Swing is to be considered shall be on November 19, 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.

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 (7).

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.

J. M. Frankin, Mayor

Diane Rauh, City Clerk