



**Roll Call Number**

18-1946

**Agenda Item Number**

46

**Date** November 19, 2018

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**HOLD 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; and

**WHEREAS**, on November 5, 2018, by Roll Call No. 18-1836, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Permanent Easement for Building Encroachment – Door Swing be set for hearing on November 19, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to vacate 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, and convey a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of 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, and conveyance of a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, as described herein, are hereby overruled and the hearing is closed.



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2. 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 vacation of said street and alley street right-of-way, legally described as follows, and said vacation is hereby approved:

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

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.

3. The proposed conveyance of a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, as legally described below and to the grantees 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, is hereby approved:

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:

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.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Permanent Easement for Building Encroachment – Door Swing for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Permanent Easement for Building Encroachment – Door Swing, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Building Encroachment – Door Swing, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Building Encroachment and a copy of the other documents to the grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

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

*PCW*

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

MOTION MADE AND APPROVED  
J. M. Frankhu Cowrie

Diane Rauh City Clerk