



Roll Call Number

19-0703

Agenda Item Number

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Date May 6, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF PORTIONS OF WALNUT STREET RIGHT-OF-WAY AND 10TH STREET RIGHT-OF-WAY ALL ADJOINING 1000 WALNUT STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY THEREIN TO JANSSEN LODGING, INC. FOR \$8,300.00

WHEREAS, Janssen Lodging, Inc., owner of 1000 Walnut Street, Des Moines, Iowa, has offered to the City the purchase price of \$8,300.00 for the purchase of a Permanent Easement for Air Space Above City-Owned Property (hereinafter "Easement") within a portion of Walnut Street right-of-way and a portion of 10th Street right-of-way all adjoining 1000 Walnut Street, Des Moines, Iowa, hereinafter more fully described, to allow for the permanent encroachment of entrance canopy encroachments into the vacated 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 10.0-foot by 16.0-foot segment of the south side of Walnut Street right-of-way, and a 10.0-foot by 35.0-foot segment of the west side of 10th Street right-of-way, all adjoining 1000 Walnut Street, and legally described as follows:

Area 1

All that part of the Walnut Street Right of Way lying north of and abutting Lot 4, West Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence North 89°22'48" West along the north line of said Lot 4, a distance of 43.29 feet to the Point of Beginning; thence continuing North 89°22'48" West, along the north line of said Lot 4, a distance of 16.00 feet; thence North 00°37'12" East, a distance of 10.00 feet; thence South 89°22'48" East, a distance of 16.00 feet; thence South 00°37'12" West, a distance of 10.00 feet to the Point of Beginning, containing 160 square feet and lying above a elevation plane of 48.00, City Datum, and below a plane elevation of 60.00, City Datum, with the ground elevation being at 39.70, City Datum.

Area 2

All that part of the 10th Street Right of Way lying east of and abutting Lot 4, West Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence South 01°05'59" West along the east line of said Lot 4, a distance of 29.73 feet to the Point of Beginning; thence South 88°54'01" East, a distance of 10.00

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feet; thence South 01°05'59" West, a distance of 35.00 feet; thence North 88°54'01" West, a distance of 10.00 feet to a point on the east line of said Lot 4; thence North 01°05'59" East, a distance of 35.00 feet to the Point of Beginning, containing 350 square feet and lying above a plane elevation of 48.00 and below a plan elevation of 60.00, City Datum, and the ground elevation being at 39.70, 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:

Grantee: Janssen Lodging, Inc.

Consideration: \$8,300.00

Legal Description:

Area 1

All that part of the vacated Walnut Street Right of Way lying north of and abutting Lot 4, West Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence North 89°22'48" West along the north line of said Lot 4, a distance of 43.29 feet to the Point of Beginning; thence continuing North 89°22'48" West, along the north line of said Lot 4, a distance of 16.00 feet; thence North 00°37'12" East, a distance of 10.00 feet; thence South 89°22'48" East, a distance of 16.00 feet; thence South 00°37'12" West, a distance of 10.00 feet to the Point of Beginning, containing 160 square feet and lying above a elevation plane of 48.00, City Datum, and below a plane elevation of 60.00, City Datum, with the ground elevation being at 39.70, City Datum.

Area 2

All that part of the vacated 10th Street Right of Way lying east of and abutting Lot 4, West Fort Des Moines, an Official Plat, Des Moines, Polk County, Iowa being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence South 01°05'59" West along the east line of said Lot 4, a distance of 29.73 feet to the Point of Beginning; thence South 88°54'01" East, a distance of 10.00 feet; thence South 01°05'59" West, a distance of 35.00 feet; thence North 88°54'01" West, a distance of 10.00 feet to a point on the east line of said Lot 4; thence North 01°05'59" East, a distance of 35.00 feet to the Point of Beginning, containing 350 square feet and lying above a plane elevation of 48.00 and below a plan elevation of 60.00, City Datum, and the ground elevation being at 39.70, City Datum.

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 May 20, 2019, 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 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:

Ann DiDonato, Assistant City Attorney

Rauh

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.

J. M. Franckh Cownie Mayor

Diane Rauh City Clerk