



Roll Call Number

19-0794

Agenda Item Number

21

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Date May 20, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AN EASEMENT FOR SET BACK FOR BUILDING AND FIRE CODE PURPOSES AND A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT OVER AND WITHIN A PORTION OF EXCESS CITY PROPERTY LOCATED WEST OF AND ADJOINING 1011 LOCUST STREET TO THE TEMPLE PARTNERS, L.P. FOR \$8,400.00

WHEREAS, on April 22, 2002, by Roll Call No. 02-1066, the City Council of the City of Des Moines, Iowa, passed Ordinance No. 14,078 vacating that portion of the north-south alley right-of-way located west of and adjoining 1011 Locust Street, (hereinafter "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, The Temple Partners, L.P., owner of the adjoining property at 1011 Locust Street, has offered to the City the purchase price of \$8,400.00 for the purchase of an Easement & Set Back for Building and Fire Code Purposes and a Permanent Easement for Building Encroachment in said City Right-of-Way and other adjoining City property, hereinafter more fully described, in order to establish the required Building and Fire Code building separation distance and emergency egress, and to allow The Temple Partners, L.P., its tenants or contractors to install, operate, maintain, or repair a sidewalk café area within a portion of the City Right-of-Way, which price reflects the fair market value of the Easement & Set Back for Building and Fire Code Purposes and a Permanent Easement for Building Encroachment as determined by the City's Real Estate Division; and

WHEREAS, there is no public need or benefit for the property rights proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the Easement & Set Back for Building and Fire Code Purposes and a Permanent Easement for Building Encroachment.

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

- 1. The City Council of the City of Des Moines, Iowa, proposes to convey an Easement & Set Back for Building and Fire Code Purposes and a Permanent Easement for Building Encroachment, as legally described as follows, to The Temple Partners, L.P., for \$8,400.00:

Easement & Set Back for Building and Fire Code Purposes:

Benefited Property (1011 Locust Street):

Lots 1 and 2 in Block 3 in Campbell and McMullen's Addition to the Town of Fort Des Moines; and the East 0.5 feet of the South 112.0 feet of the vacated North/South alley right-of-way lying West of and adjoining Lots 1 and 2 in in Block 3 in Campbell and McMullen's Addition to the Town of Fort Des Moines, an Official Plat, now in and forming a part of the City of Des Moines, Polk County, Iowa.



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Burdened Property (1000 Grand Avenue):

Lots 7 and 8 in Block 3 in Campbell and McMullen's Addition to the Town of Fort Des Moines an Official Plat, now in and forming a part of the City of Des Moines, Polk County, Iowa.

Permanent Easement for Building Encroachment:

Part of the vacated north-south alley lying West of and adjoining Lots 1 and 2 in Block 3 of Campbell and McMullen's Addition, 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 Southwest corner of Lot 1 in said Block 3 of Campbell and McMullen's Addition; thence South 74°(degrees) 13'(minutes) 04"(seconds) West, 0.50 feet along the South line of said Lot 1 extended to the Point of Beginning; thence North 15°18'56" West, 16.00 feet along a line that is parallel to and 0.50' westerly of the West line of said Lot 1; thence South 74°41'04" West, 15.00 feet; thence South 15°18'56" East, 16.12 feet to the South line of said Lot 1 extended; thence North 74°13'04" East, 15.00 feet along the South line of said Lot 1 extended to the point of beginning.

Containing 241 square feet, more or less.

(Vacated by Ordinance No. 14,078, passed April 22, 2002.)

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



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Thomas G. Fisher, Jr., Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
BOESEN	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
MANDELBAUM	1			
WESTERGAARD	1			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Frankha Cowrie 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