



Roll Call Number

19-0795

Agenda Item Number

22

Date May 20, 2019

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SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF MAINE STREET RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 100 INDIANA AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT – DOOR SWING TO EMOGINE, INC. FOR \$50.00

WHEREAS, Emogine, Inc., an Iowa corporation, owner of 100 Indiana Avenue, Des Moines, Iowa, has offered to the City the purchase price of \$50.00 for the purchase of a Permanent Easement for Building Encroachment – Door Swing (hereinafter “Easement”) upon a portion of vacated Maine Street right-of-way adjoining 100 Indiana Avenue, hereinafter more fully described, to allow for the retention, maintenance and repair of an existing building door entrance and door swing area into and upon said right-of-way, subject to reservation of easements for all public utilities in place, 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 4.0 foot by 4.0 foot segment of the west side of Maine Street right-of-way, adjoining 100 Indiana Avenue, Des Moines, Iowa legally described as follows:

A PART OF THE MAINE STREET RIGHT OF WAY LYING EAST OF AND ADJOINING LOT 2, BLOCK 23, CENTRAL PLACE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF LOT 1, SAID CENTRAL PLACE; THENCE SOUTH 0°31'08" EAST ALONG THE EAST LINE OF SAID BLOCK 23, A DISTANCE OF 61.78 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°28'52" EAST, 4.00 FEET; THENCE SOUTH 00°31'08" EAST, 4.00 FEET; THENCE SOUTH 89°28'52" WEST, 4.00 FEET TO SAID EAST LINE; THENCE NORTH 00°31'08" WEST ALONG SAID EAST LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

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:

Grantee: Emogine, Inc.
Consideration: \$50.00
Legal Description:



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COMMENCING AT THE NORTHEAST CORNER OF LOT 1, SAID CENTRAL PLACE; THENCE SOUTH 0°31'08" EAST ALONG THE EAST LINE OF SAID BLOCK 23, A DISTANCE OF 61.78 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°28'52" EAST, 4.00 FEET; THENCE SOUTH 00°31'08" EAST, 4.00 FEET; THENCE SOUTH 89°28'52" WEST, 4.00 FEET TO SAID EAST LINE; THENCE NORTH 00°31'08" WEST ALONG SAID EAST LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16 SQUARE FEET.

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 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 proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
5. Proceeds from this sale will be deposited into the Economic Development Enterprise Fund, CM025033.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, 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			

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 Cownie Mayor

Diane Rauh City Clerk