



Roll Call Number

19-1395

Agenda Item Number

29

Page 1

Date September 9, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF EAST 5TH STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING 120 EAST 5TH STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO DES MOINES HERITAGE TRUST FOR \$1,730.00

WHEREAS, on August 5, 2019, by Roll Call No. 19-1205, the City Council of the City of Des Moines, Iowa, received and filed a communication from the City Plan and Zoning Commission recommending approval of a request from Des Moines Heritage Trust for the vacation of a segment of East 5th Street right-of-way adjoining 120 East 5th Street (hereinafter "City Right-of-Way") to allow for the reconstruction of an original porte-cochere addition to the eastern facade of the historic railroad depot extending into and above the City Right-of-Way, subject to a City-approved site plan; and

WHEREAS, Des Moines Heritage Trust, owner of the adjoining property at 120 East 5th Street, has offered to the City the purchase price of \$1,730.00 for the purchase of a Permanent Easement for Building Encroachment, hereinafter more fully described, to allow for encroachment into the City Right-of-Way of a porte-cochere addition to the eastern facade of the historic railroad depot, subject to a City-approved site plan, and further subject to a Permanent Easement for Public Pedestrian Way, which price reflects the fair market value of the Permanent Easement for Building Encroachment as determined by the City's Real Estate Division; and

WHEREAS, the public would not be inconvenienced by reason of the conveyance of the Permanent Easement for Building Encroachment within said City Right-of-Way.

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

- 1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a segment of East 5th Street right-of-way lying east of and adjoining 120 East 5th Street, more specifically described as follows

A PART OF THE E. 5TH STREET RIGHT-OF-WAY LYING EAST OF PARCEL 2017-207, FILED IN BOOK 16761, PAGE 952 OF THE POLK COUNTY RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2017-207; THENCE NORTH 15°04'38" WEST ALONG THE EAST LINE OF SAID PARCEL 2017-207, A DISTANCE OF 13.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°04'38" WEST ALONG SAID EAST LINE, 19.00 FEET; THENCE NORTH 74°55'22" EAST, 15.17 FEET; THENCE SOUTH 15°04'38" EAST, 19.00 FEET; THENCE SOUTH 74°55'22" WEST, 15.17 FEET TO THE POINT OF BEGINNING, AND CONTAINING 288 SQUARE FEET.



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29

Page 2

Date September 9, 2019

2. That, if the City Council of the City of Des Moines, Iowa, first decides to vacate the above described City Right-of-Way, the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment therein, legally described as follows, to Des Moines Heritage Trust, for \$1,730.00, subject to a City-approved site plan, and further subject to a Permanent Easement for Public Pedestrian Way:

A PART OF THE VACATED E. 5TH STREET RIGHT-OF-WAY LYING EAST OF PARCEL 2017-207, FILED IN BOOK 16761, PAGE 952 OF THE POLK COUNTY RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2017-207; THENCE NORTH 15°04'38" WEST ALONG THE EAST LINE OF SAID PARCEL 2017-207, A DISTANCE OF 13.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°04'38" WEST ALONG SAID EAST LINE, 19.00 FEET; THENCE NORTH 74°55'22" EAST, 15.17 FEET; THENCE SOUTH 15°04'38" EAST, 19.00 FEET; THENCE SOUTH 74°55'22" WEST, 15.17 FEET TO THE POINT OF BEGINNING, AND CONTAINING 288 SQUARE FEET.

3. That the meeting of the City Council at which said vacation and the conveyance is to be considered shall be on September 23, 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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Page 3

Moved by Boesen to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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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. Franklin Cownie Mayor

Diane Rauh City Clerk