



Roll Call Number

19-1484

Agenda Item Number

18

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Date September 23, 2019

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A 4-FOOT BY 4-FOOT SEGMENT OF EAST-WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 319 7<sup>TH</sup> STREET AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY THEREIN TO DES MOINES GRIFFIN BUILDING, LLC FOR \$350.00**

**WHEREAS**, on August 5, 2019, by Roll Call No. 19-1206 the City Council of the City of Des Moines voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from Des Moines Griffin Building, LLC to vacate a 4-foot by 4-foot segment of air rights within the east-west alley adjoining 319 7<sup>th</sup> Street; and

**WHEREAS**, Des Moines Griffin Building, LLC, an Iowa limited liability company, owner of 319 7<sup>th</sup> Street, Des Moines, Iowa, has offered to the City the purchase price of \$350.00 for the purchase of a Permanent Easement for Air Space Above City-Owned Property (hereinafter "Easement") within a portion of alley right-of-way located south of and adjoining 319 7<sup>th</sup> Street, Des Moines, Iowa, hereinafter more fully described, to allow for the permanent encroachment of air ducts 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 portion of the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of vacation of said alley right-of-way and the conveyance of the Easement.

**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 certain air space within a 4.0-foot by 4.0-foot segment of the east-west alley right-of-way located south of and adjoining 319 7<sup>th</sup> Street, and legally described as follows:

That part of the Alley right-of-way lying South of and adjoining the West Half of Lot 2 in Block 12 in FORT DES MOINES, 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 said Lot 2; thence North 74°(degrees) 30'(minutes) 00"(seconds) East (assumed for this description only), 62.10 feet along the South line of said Lot 2 to the Point of Beginning; thence continuing North 74°30'00" East, 4.00 feet along the South line of said Lot 2; thence South 15°30'00" East, 4.00 feet; thence South 74°30'00" West, 4.00 feet; thence North 15°30'00" West, 4.00 feet to the point of beginning.

Lying between elevations 47.50 feet and 65.00 feet, City of Des Moines Vertical Datum (reference ground level elevation of 36.63 feet, City of Des Moines Vertical Datum). Horizontally containing 16.00 square feet.



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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 alley right-of-way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

Grantee: Des Moines Griffin Building, LLC

Consideration: \$350.00

Legal Description:

That part of the vacated Alley right-of-way lying South of and adjoining the West Half of Lot 2 in Block 12 in FORT DES MOINES, 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 said Lot 2; thence North 74°(degrees) 30'(minutes) 00"(seconds) East (assumed for this description only), 62.10 feet along the South line of said Lot 2 to the Point of Beginning; thence continuing North 74°30'00" East, 4.00 feet along the South line of said Lot 2; thence South 15°30'00" East, 4.00 feet; thence South 74°30'00" West, 4.00 feet; thence North 15°30'00" West, 4.00 feet to the point of beginning.

Lying between elevations 47.50 feet and 65.00 feet, City of Des Moines Vertical Datum (reference ground level elevation of 36.63 feet, City of Des Moines Vertical Datum). Horizontally containing 16.00 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 Air Space Above City-Owned Property is to be considered shall be on October 14, 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. 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:

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				APPROVED

J. M. Frankin Cownie 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