



Roll Call Number

22-0688

Agenda Item Number

25

Date May 9, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM HOA HOTELS, LLC (OWNER), REPRESENTED BY JOHN SCHULZ (OFFICER), FOR VACATION OF AIR RIGHTS AND SUBSURFACE RIGHTS WITHIN EAST WALNUT STREET RIGHT-OF-WAY, ADJOINING THE PROPERTY AT 610 EAST WALNUT STREET, TO ALLOW BALCONIES TO PROJECT FROM THE PROPOSED BUILDING AND TO ALLOW FOR ENCROACHMENT OF BUILDING FOOTINGS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 21, 2022, its members voted 11-0-1 to recommend APPROVAL of a request from Kelly Garner to vacate air rights and subsurface rights within East Walnut Street right-of-way, adjoining the property at 610 East Walnut Street, to allow balconies to project from the proposed building and to allow for encroachment of building footings, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

MOVED by Boesen to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

SECOND BY Matto

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

(ROWV-2022-000009)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

John Fubelli
MAYOR PRO TEM

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik
City Clerk