

Date June 19, 2006

SET DATE OF HEARING FOR THE VACATION AND CONVEYANCE OF THE EAST/WEST ALLEY BETWEEN THE NORTH/SOUTH ALLEY AND EAST 6TH STREET, SOUTH OF EAST LOCUST STREET, AND FOR THE VACATION AND CONVEYANCE OF AIR RIGHTS ABOVE THE EAST 8.3 FEET OF THE NORTH/SOUTH ALLEY, THE SOUTH 8.3 FEET OF EAST LOCUST STREET AND THE WEST 8.3 FEET OF EAST 6TH STREET ADJOINING PROPERTY OWNED BY IOWA STATE BANK AT 521 EAST LOCUST STREET FOR \$7,142.00

WHEREAS, on February 6, 2006, by Roll Call No. 06-251, the City Council adopted a recommendation from the City Plan and Zoning Commission that the East/West alley between the North/South alley and East 6th Street, South of East Locust Street, and air rights above the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6th Street adjoining property owned by Iowa State Bank at 521 East Locust Street, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of property abutting such rights-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the alley right-of-way and air rights above such rights-of-way described below.

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 shall consider adoption of an ordinance permanently vacating the East/West alley between the North/South alley and East 6th Street, South of East Locust Street, and air rights above the East 8.3 feet of the North/South alley, the South 8.3 feet of East Locust Street and the West 8.3 feet of East 6th Street, more specifically described as follows:

The South 10.0 feet of Lot 11, Block D, Griffith's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines. Polk County, Iowa.

And

All of the Air Space which is located above the East 8.30 feet of North/South alley right-of-way lying West of and adjoining Lot 12, Block D, Griffith's Addition, an Official Plat, and lying West of and adjoining the North 50.0 feet of Lot 11 of said Block D, which is located below a plane with an elevation of 106.00 feet, City Datum and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

DESCRIPTION REVIEWED
9/18/06 15:15

★ Roll Call Number

Agenda Item Number

70 B

Date June 19, 2006

All of the Air Space which is located above the South 8.30 feet of East Locust Street right-of-way lying North of and adjoining the West 70.0 feet of Lot 12, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 106.00 feet, City Datum, and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

And

All of the Air Space which is located above the West 8.30 feet of East 6th Street right-of-way lying East of and adjoining Lots 7, 8, 9 and 10, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 60.66 feet, City Datum and which is located above a plane with an elevation of 43.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 30.00' City Datum at the Northeast corner of said Lot 10, and being 27.50' City Datum at the Southeast corner of said Lot 7.)

2. That if the City Council decides to vacate the above described alley right-of-way and air rights, the City of Des Moines proposes to sell such alley right-of-way and air rights, as described below to the grantee and for the consideration identified below:

To: Iowa State Bank for \$7,142.00

The vacated South 10.0 feet of Lot 11, Block D, Griffith's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines. Polk County, Iowa.

And

All of the vacated Air Space which is located above the East 8.30 feet of North/South alley right-of-way lying West of and adjoining Lot 12, Block D, Griffith's Addition, an Official Plat, and lying West of and adjoining the North 50.0 feet of Lot 11 of said Block D, which is located below a plane with an elevation of 106.00 feet, City Datum and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

DESCRIPTION REVIEWED
[Signature]
6/19/06 15:17

70 B

Date June 19, 2006

And

All of the vacated Air Space which is located above the South 8.30 feet of East Locust Street right-of-way lying North of and adjoining the West 70.0 feet of Lot 12, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 106.00 feet, City Datum, and which is located above a plane with an elevation of 53.10 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 31.10' City Datum.)

DESCRIPTION REVIEWED
6/19/06 15:20

And

All of the vacated Air Space which is located above the West 8.30 feet of East 6th Street right-of-way lying East of and adjoining Lots 7, 8, 9 and 10, Block D, Griffith's Addition, an Official Plat, which is located below a plane with an elevation of 60.66 feet, City Datum and which is located above a plane with an elevation of 43.00 feet, City Datum, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Assumed Ground Level Elevation (0'-00") being 30.00' City Datum at the Northeast corner of said Lot 10, and being 27.50' City Datum at the Southeast corner of said Lot 7.)

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on July 10, 2006, said meeting to be held at 5:00 p.m., in the Council Chamber.

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. The proceeds from the sale of this property shall be deposited into the following account: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

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Dispositions – Iowa State Bank: Page 4

Date June 19, 2006

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED
 _____ 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.

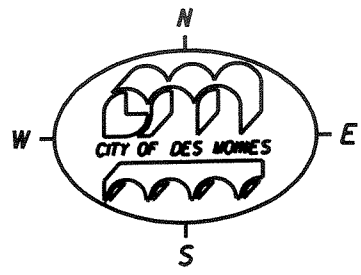
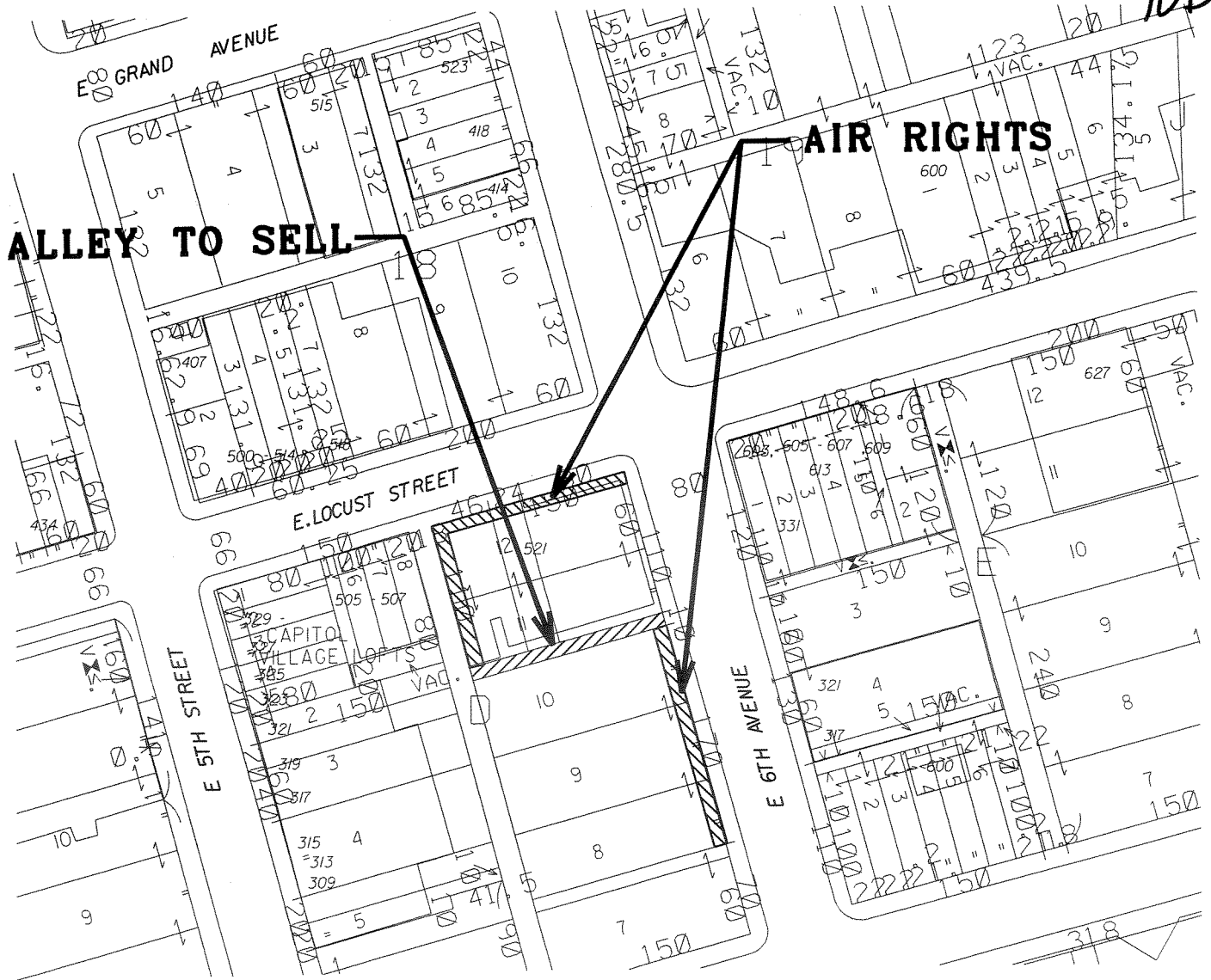
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

70B

ALLEY TO SELL

AIR RIGHTS



**PROPERTY DISPOSITION
 519 E. LOCUST STREET
 ACTIVITY I.D. 34-2006-036**