

Date December 3, 2007

SET HEARING FOR VACATION AND CONVEYANCE OF AN EASEMENT FOR SUBSURFACE AND AIR SPACE ADJOINING 707 8TH STREET TO PRINCIPAL LIFE INSURANCE COMPANY FOR \$2917

WHEREAS, the City Plan and Zoning Commission has considered and recommended conditional approval for the vacation and conveyance of subsurface and air space adjoining 707 8th Street, hereinafter more fully described, at their meeting on November 15, 2007, and on December 3, 2007, the City Council will receive and file the Plan and Zoning Commission’s report and recommendation, prior to proceeding with the public hearing for the sale of this property; 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 subsurface and air space easement 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 a subsurface and air space easement, more specifically described as follows:

CORNICE – AIR RIGHTS EASEMENT (EXHIBIT 1)

ALL OF THE AIR SPACE FOR THAT PART OF CENTER STREET RIGHT-OF-WAY AND THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK “Q”; THENCE NORTH 89°(DEGREES) 20’(MINUTES) 27”(SECONDS) WEST ALONG THE NORTH LINE OF SAID BLOCK “Q”, 235.07 FEET; THENCE NORTH 0°39’33” EAST, 4.00 FEET; THENCE NORTH 89°41’53” EAST, 238.48 FEET; THENCE SOUTH 0°14’02” EAST, 325.86 FEET; THENCE SOUTH 89°45’58” WEST, 3.50 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK “Q”; THENCE NORTH 0°14’02” WEST ALONG SAID EAST LINE, 317.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,544 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 166.75 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 152.00 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00’) BEING 61.00 FEET CITY DATUM.

AWNING – AIR RIGHTS EASEMENT – (EXHIBIT 2)

ALL OF THE AIR SPACE ABOVE THE WEST 5.0 FEET OF THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN

DESCRIPTION REVIEWED
11/29/07 13:22

Date December 3, 2007

OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 0°(DEGREES) 14'(MINUTES) 02"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK "Q", 20.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14'02" WEST ALONG SAID EAST LINE, 41.33 FEET; THENCE NORTH 89°45'58" EAST, 5.00 FEET; THENCE SOUTH 0°14'02" EAST, 41.33 FEET; THENCE SOUTH 89°45'58" WEST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 207 S.F. WHICH IS BELOW A PLANE ELEVATION OF 136.67 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 101.67 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

SUBSURFACE FOOTING EASEMENT – (EXHIBIT 3)

EASEMENT "A"

A STRIP OF GROUND BELOW GRADE FOR THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 0°(DEGREES) 14'(MINUTES) 02"(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK "Q", 76.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14'02" WEST ALONG SAID EAST LINE, 195.69 FEET; THENCE NORTH 89°45'58" EAST, 2.00 FEET; THENCE SOUTH 0°14'02" EAST, 195.69 FEET; THENCE SOUTH 89°45'58" WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (391 S.F.).

AND

EASEMENT "B"

A STRIP OF GROUND BELOW GRADE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 89°(DEGREES) 25'(MINUTES) 43"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID BLOCK "Q", 91.43 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34'17" WEST, 3.00 FEET; THENCE NORTH 89°25'43" WEST, 86.51 FEET; THENCE NORTH 0°34'17" EAST, 3.00 FEET TO A POINT ON SAID SOUTH LINE;

DESCRIPTION REVIEWED
[Signature]
11/29/07 15:20

Date December 3, 2007

THENCE SOUTH 89°25'43" EAST ALONG SAID SOUTH LINE, 86.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (260 S.F.).

PARAPET – AIR RIGHTS EASEMENT (EXHIBIT 4)

ALL OF THE AIR SPACE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q", THENCE NORTH 89°(DEGREES) 25'(MINUTES) 43"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID BLOCK "Q", 86.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34'17" WEST, 5.00 FEET; THENCE NORTH 89°25'43" WEST, 95.18 FEET; THENCE NORTH 0°34'17" EAST, 5.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID SOUTH LINE, 95.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (479 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 176.92 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 171.50 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

DESCRIPTION REVIEWED
11/27/07
15:51

2. That if the City Council decides to vacate the above described subsurface and air space, the City of Des Moines proposes to sell such subsurface and air space easement, as described below, to the grantee and for the consideration identified below:

To: Principal Life Insurance Company for \$2,917

CORNICE – AIR RIGHTS EASEMENT (EXHIBIT 1)

ALL OF THE VACATED AIR SPACE FOR THAT PART OF CENTER STREET RIGHT-OF-WAY AND THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK "Q"; THENCE NORTH 89°(DEGREES) 20'(MINUTES) 27"(SECONDS) WEST ALONG THE NORTH LINE OF SAID BLOCK "Q", 235.07 FEET; THENCE NORTH 0°39'33" EAST, 4.00 FEET; THENCE NORTH 89°41'53" EAST, 238.48 FEET; THENCE SOUTH 0°14'02" EAST, 325.86 FEET; THENCE SOUTH 89°45'58" WEST, 3.50 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK "Q"; THENCE NORTH 0°14'02" WEST ALONG SAID EAST LINE, 317.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,544 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 166.75 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 152.00 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

Date December 3, 2007

AWNING – AIR RIGHTS EASEMENT – (EXHIBIT 2)

ALL OF THE AIR VACATED SPACE ABOVE THE WEST 5.0 FEET OF THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK “Q”; THENCE NORTH 0°(DEGREES) 14’(MINUTES) 02”(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK “Q”, 20.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14’02” WEST ALONG SAID EAST LINE, 41.33 FEET; THENCE NORTH 89°45’58” EAST, 5.00 FEET; THENCE SOUTH 0°14’02” EAST, 41.33 FEET; THENCE SOUTH 89°45’58” WEST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 207 S.F. WHICH IS BELOW A PLANE ELEVATION OF 136.67 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 101.67 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00’) BEING 61.00 FEET CITY DATUM.

SUBSURFACE FOOTING EASEMENT – (EXHIBIT 3)

EASEMENT “A”

A STRIP OF VACATED GROUND BELOW GRADE FOR THAT PART OF 7TH STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK “Q”; THENCE NORTH 0°(DEGREES) 14’(MINUTES) 02”(SECONDS) WEST ALONG THE EAST LINE OF SAID BLOCK “Q”, 76.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°14’02” WEST ALONG SAID EAST LINE, 195.69 FEET; THENCE NORTH 89°45’58” EAST, 2.00 FEET; THENCE SOUTH 0°14’02” EAST, 195.69 FEET; THENCE SOUTH 89°45’58” WEST, 2.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (391 S.F.).

AND

EASEMENT “B”

A STRIP OF VACATED GROUND BELOW GRADE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK “Q” IN GRIMMEL’S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

DESCRIPTION REVIEWED
[Signature]
12/13/07 15:20

Date December 3, 2007

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q"; THENCE NORTH 89°(DEGREES) 25'(MINUTES) 43"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID BLOCK "Q", 91.43 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34'17" WEST, 3.00 FEET; THENCE NORTH 89°25'43" WEST, 86.51 FEET; THENCE NORTH 0°34'17" EAST, 3.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID SOUTH LINE, 86.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (260 S.F.).

PARAPET – AIR RIGHTS EASEMENT (EXHIBIT 4)

ALL OF THE VACATED AIR SPACE FOR THAT PART OF PARK STREET RIGHT-OF-WAY ADJOINING BLOCK "Q" IN GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK "Q", THENCE NORTH 89°(DEGREES) 25'(MINUTES) 43"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID BLOCK "Q", 86.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°34'17" WEST, 5.00 FEET; THENCE NORTH 89°25'43" WEST, 95.18 FEET; THENCE NORTH 0°34'17" EAST, 5.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 89°25'43" EAST ALONG SAID SOUTH LINE, 95.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (479 S.F.). WHICH IS BELOW A PLANE ELEVATION OF 176.92 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 171.50 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 61.00 FEET CITY DATUM.

DESCRIPTION REVIEWED
[Signature]
11/27/07 15:30

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such subsurface and air space easement is to be considered shall be on December 17, 2007, 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: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

★ **Roll Call Number**

Agenda Item Number

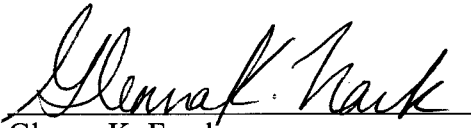
13A

Date December 3, 2007

Dispositions – Principal Life Insurance Company: Page 6

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

rsn

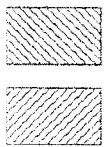
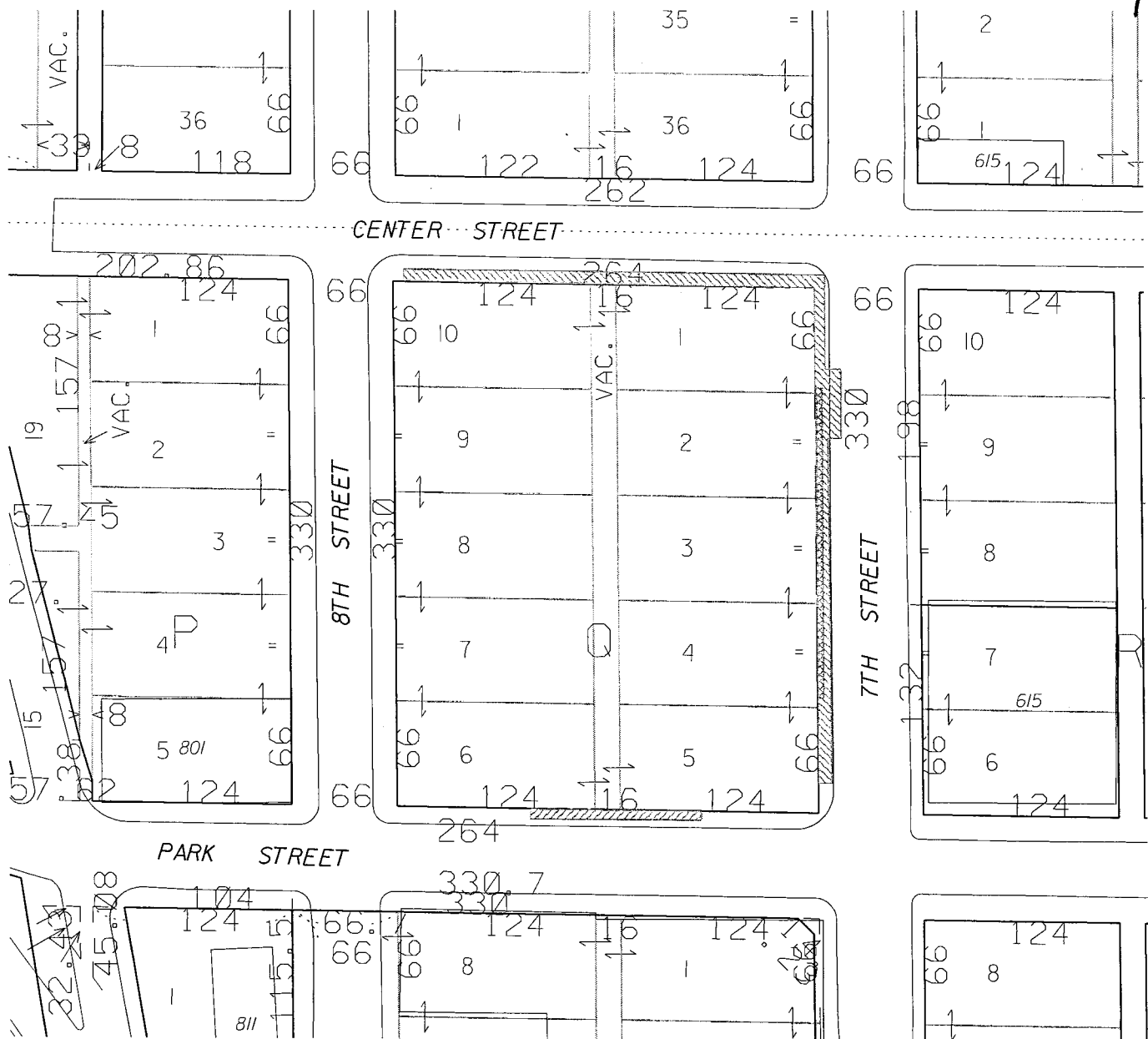
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

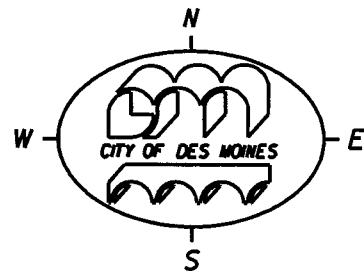
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

_____ City Clerk



AIRSPACE EASEMENT
 SUBSURFACE RIGHTS EASEMENT



**GENERAL DISPOSITION
 PRINCIPAL LIFE INSURANCE COMPANY
 ACTIVITY I.D. 34-2008-022**