

.....
Date November 4, 2013

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION OF PORTIONS OF THE COURT AVENUE AND 4TH STREET RIGHTS-OF-WAY ADJOINING THE RANDOLPH APARTMENTS AT 202 4th STREET AND THE CONVEYANCE OF AN EASEMENT UPON SUCH VACATED RIGHTS-OF-WAY TO LEGALIZE THE EXISTING BUILDING ENCROACHMENTS

WHEREAS, on August 26, 2013, by Roll Call No. 13-1366, the City Council approved an Urban Renewal Development Agreement with Randolph Apartments Limited Partnership, represented by George Sherman, President of Sherman Associates, Inc., for the redevelopment of the Hotel Randolph and the adjacent Earl & Le Bosquet and Youngerman Block Buildings at the northwest corner of 4th Street and Court Avenue for a mixed use project generally known as the Randolph Apartments; and,

WHEREAS, the three historic buildings which comprise the Randolph Apartments were constructed over 100 years ago with basements that extend under the adjoining public sidewalks along Court Avenue and 4th Streets, and with architectural projections that encroach into the air rights over the adjoining public rights-of-way; and,

WHEREAS, the building encroachments have previously been allowed under authority of a series of temporary areaway permits that require annual administration and renewal; and,

WHEREAS, Randolph Apartments Limited Partnership has requested that the City vacate the rights-of-way occupied by the building encroachments, and convey it an easement for the continued use, maintenance and repair of the existing building encroachments for the remaining life of the consolidated building; and,

WHEREAS, the portions of the public right-of-way occupied by the encroachments from the three historic buildings have not been used for public purposes for over 100 years, and the vacation of those areas will have no impact upon the continued use of the adjoining public rights-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 shall consider adoption of an ordinance permanently vacating those portions of the Court Avenue and 4th Street rights-of-way occupied by the existing encroachments from the Randolph Apartments building, and more specifically described in the accompanying Exhibit "A"

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to convey an easement to Randolph Apartments Limited Partnership, or its designee, for the continued use, maintenance and repair of the existing encroachments from

16

Date November 4, 2013

-2-

the Randolph Apartments building into the vacated rights-of-way, for the remaining life of that building.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement is to be considered shall be on November 18, 2013, said meeting to be held at 5:00 p.m., in the Council Chambers.

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.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Vacate\Bldg Encroach\Randolph Bldg\RC Set Hrg.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
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