

Date May 18, 2015

SET HEARING FOR VACATION OF SUBSURFACE RIGHTS WITHIN WALNUT STREET AND 8TH STREET RIGHT-OF-WAY AND CONVEYANCE OF A PERMANENT SUBSURFACE EASEMENT TO EMPLOYERS MUTUAL CASUALTY COMPANY FOR \$1,090

WHEREAS, Employers Mutual Casualty Company is the owner of the real property currently known as 712 Walnut Street upon which they propose to construct a new building to allow for expansion of their existing business at 717 Mulberry Street; and

WHEREAS, upon completion of the new building the address will be changed from 712 Walnut Street to 219 8th Street, Des Moines, Iowa; and

WHEREAS, Employers Mutual Casualty Company has offered to the City of Des Moines the purchase price of \$1,090 for the vacation and conveyance of a permanent easement for subsurface building encroachment within subsurface portions of Walnut Street and 8th Street rights-of-way adjoining 219 8th Street, as legally described below, for the purpose of using, repairing, and maintaining the footings and foundations extending from the proposed new building at 219 8th Street, which price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division; and

WHEREAS, such subsurface portion of City-owned Walnut Street and 8th Street rights-of-way has been determined by the City Engineer and City Traffic Engineer to have a de minimis impact upon the public use of Walnut Street and 8th Street thereby obviating the required Plan and Zoning Commission review; and

WHEREAS, the City will not be inconvenienced by the vacation of a subsurface portion of Walnut Street and 8th Street rights-of-way adjoining 219 8th Street and conveyance of a permanent subsurface easement therein.

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 portion of Walnut Street and 8th Street rights-of-way adjoining 219 8th Street (712 Walnut Street), more specifically described as follows:

A SUBSURFACE FOUNDATION EASEMENT IN THE SW1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. THAT LIES DIRECTLY ADJACENT TO AND ADJOINING THE NORTH AND WEST LINES OF BLOCK 2, FORT DES MOINES, AN OFFICIAL PLAT RECORDED IN BOOK 'A', PAGE 3 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE NW CORNER OF SAID BLOCK 2; THENCE S15°06'33"E, 133.38 FEET ALONG THE WEST LINE OF SAID BLOCK TO POINT; THENCE S74°28'26"W, 0.30 FEET TO A POINT; THENCE N15°06'33"W, 18.18 FEET ALONG A LINE THAT IS 0.30 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE S74°53'27"W, 1.10 FEET TO A POINT; THENCE N15°06'33"W, 7.20 FEET ALONG A LINE THAT IS 1.40 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE N74°53'27"E, 0.80 FEET TO A POINT; THENCE N15°06'33"W, 22.25 FEET ALONG A LINE THAT IS 0.80 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE S74°53'27"W, 1.20 FEET TO A POINT; THENCE N15°06'33"W, 8.40 FEET ALONG A LINE THAT IS 1.80 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE N74°53'27"E, 1.60 FEET TO A POINT; THENCE N15°06'33"W, 69.85 FEET ALONG A LINE THAT IS 0.20 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT; THENCE S74°53'27"W, 0.80 FEET TO A POINT; THENCE N15°06'33"W, 8.00 FEET ALONG A LINE THAT IS 1.00 FEET WEST OF AND PARALLEL TO SAID WEST LINE TO A POINT THAT IS 0.50 FEET NORTH OF THE NORTH LINE OF SAID BLOCK 2; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS 0.50 FEET NORTH OF AND PARALLEL TO SAID NORTH LINE TO A POINT; S15°30'37"E, 0.50 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 2; S74°29'23"W, 7.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 69 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 20.38 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.70 FEET TO A POINT; THENCE N74°29'23"E, 5.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.70 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 5.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 3.5 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 48.88 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.40 FEET TO A POINT; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.40 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 8.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 3.2 SQUARE FEET

AND

Date May 18, 2015

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 78.88 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.50 FEET TO A POINT; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.50 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 8.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 4.0 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 110.38 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.80 FEET TO A POINT; THENCE N74°29'23"E, 5.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.80 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 5.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 4.0 SQUARE FEET

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID BLOCK 2; THENCE N74°29'23"E, 128.88 FEET ALONG THE NORTH LINE OF SAID BLOCK 2 TO THE POINT OF BEGINNING; THENCE N15°30'37"W, 0.50 FEET TO A POINT; THENCE N74°29'23"E, 8.00 FEET ALONG A LINE THAT IS PARALLEL TO SAID NORTH LINE TO A POINT; THENCE S15°30'37"E, 0.50 FEET TO A POINT ON SAID NORTH LINE; THENCE S74°29'23"W, 8.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 4.0 SQUARE FEET.

2. That if the City Council decides to vacate the above-described subsurface portion of City right-of-way, the City of Des Moines further proposes to convey a permanent easement for subsurface building encroachment in such vacated City right-of-way to Employers Mutual Casualty Company for the consideration of \$1,090.
3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such property interest is to be considered shall be on June 8, 2015 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, in accordance with Section 362.3 of the Iowa Code.

★ **Roll Call Number**

Agenda Item Number

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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Lisa K. Akre, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
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

Walnut St

8th St

**PROJECT
LOCATION**

Legend

■ PROJECT LOCATION

