

**Docket Number:** 24/14369

**Appellants:** Mike Hannam of 1 Red Hotel LLC, 412 NE 46<sup>th</sup> Avenue (Broadway), Des Moines, IA 50313 (Property Owners), represented by Daniel L. Manning Sr. with Lillis O'Malley Law Firm, 505 5<sup>th</sup> Avenue, Suite 1005, Des Moines, IA 50309

**Appeal:** The appellants request a Variance to allow an 18-foot freestanding sign on the subject property, in lieu of the Ordinance permitted maximum height of 10 feet.

### **Background**

The subject property is located at 412 NE 46<sup>th</sup> (Broadway) Avenue, Des Moines. The property is approximately 0.96 acres (41,973 SF) in size and is legally described as Lot 4 in Marshall South Acres, an Official Plat, and Parcel B of Lot 3 Marshall Acres, an Official Plat, as shown on the Plat of Survey filed of record on August 20, 2001, in Book 8952, Page 999 in the office of the Polk County Recorder, all being within the SE ¼ of the SW ¼ of Section 14, Township 79 North, Range 23 West of the 5th P.M. (Saylor Township). The property is zoned "MU" Mixed Use District and is located approximately 354 feet east of the intersection of NE 3<sup>rd</sup> Street and NE 46<sup>th</sup> (Broadway) Avenue. The City of Des Moines corporate limits are located approximately one-half (1/2) mile south where they extend along NW Aurora Avenue. The City of Ankeny corporate limits are located approximately two (2) miles to the northeast. Surrounding properties in this area of unincorporated Polk County are also zoned "MU" Mixed Use District and contain a mix of commercial and residential uses. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is currently used by Fast Action Auto, a vehicle dealer and auto repair shop, owned by the appellant, Mike Hannam of 1 Red Hotel LLC. A vehicle dealer and auto repair shop is an allowed use within the "MU" Mixed Use District. The subject property is generally rectangular in shape with approximately 151.8 feet of frontage to the south along NE 46<sup>th</sup> (Broadway) Avenue, where it has two (2) access drives. The site contains a 3,800 square foot auto show room and repair building as well as paving that covers the south half of the property for parking and circulation. Additionally, the site contains an existing 18-foot tall freestanding sign located at the far south central portion of the property adjacent to NE 46<sup>th</sup> (Broadway) Avenue, which is the subject of this Variance Appeal.

### **Additional Property History / Details**

Polk County has no approved site plan on file for the subject property. County records indicate the existing building was originally constructed in 1978 with the paving constructed in 1990. The existing 18-foot tall 48 square foot freestanding sign was permitted on site in 1989. The subject property has had several different uses over the years, but beginning in 2014 when Prowells Wholesale Automotive LLC purchased the property it has since been used for vehicle sales and auto repair. In 2014, after Prowells purchased the property, they completed a full remodel and update of the building on site. Additionally, they applied for two (2) sign permits, one to reface the existing 18-foot tall freestanding sign and another to install a new 36.8 square foot wall sign on the building for a total signage area of 84.8 square feet. Prowells appears to have installed some additional decal signs in the windows of the building without a permit.

In 2017, 1 Red Hotel LLC purchased the property and established Fast Action Auto for vehicular sales and repair. Additionally in 2017, the appellants applied for and were issued a permit to reface the 18-foot tall freestanding sign for Fast Action Auto, it appears the wall sign was also replaced with an approximately 41 square foot Fast Action Auto sign without a permit. This site is allowed 95 square feet of signage to be shared between wall signage and one (1) freestanding sign on site. The signage allowance for the subject property is determined, per the Polk County Zoning Ordinance, as one (1) square foot of signage for each lineal foot of building frontage up to a maximum of 120 SF.

Polk County considers the existing freestanding sign as legal non-conforming. The sign was in conformance with the Ordinance at the time of its original permitting and installation in 1989, however it exceeds the maximum height of 10 feet allowed under the current version of the Polk County Zoning Ordinance. The freestanding sign is being impacted by a County road improvement project to NE 46<sup>th</sup> (Broadway) Avenue, which requires the sign be removed for public road construction purposes. Once the sign is removed from its present location (regardless of the reason), any legal nonconforming or grandfathered status is no longer and only a conforming freestanding sign can be reinstalled on the property. The Polk County Attorney's Office is handling the condemnation process with the appellants to finalize compensation for the acquisition of permanent right-of-way, temporary construction easement, as well as impacts to the site, including the sign.

The NE 46<sup>th</sup> (Broadway) Avenue project is currently underway and includes the following improvements: Acquiring permanent right-of-way and temporary construction easements, widening the roadway, converting to an urban cross-section profile, and adding a multi-use trail. The project will impact the subject property by requiring acquisition of permanent right-of-way and temporary construction easement along the southern property line. The impact will require the existing freestanding sign to be removed. The owner could install a new freestanding sign on the property in conformance with the area, height and permitting requirements of the Zoning Ordinance without any action from the Board of Adjustment. However, the owner has decided to request a variance to the freestanding sign height requirement in order to reinstall the same sign elsewhere on the property. The proposed relocated sign would be the same 18-foot tall and 48 square feet in area freestanding sign that is on site today.

### **Summary of Request**

The Polk County Zoning Ordinance, *Article 11: Signs, Division 5, Height/Clearance/Location/Illumination, Section 1 (B)* states: Maximum permitted height for freestanding signs is 10 feet. As discussed above, the existing nonconforming sign and its location on the subject property will be impacted as a part of NE 46<sup>th</sup> (Broadway) Avenue widening project. The appellants request a freestanding sign height Variance of approximately 8 feet in order to relocate the existing 18-foot sign on the subject property. See *Attachment B* for a copy of the Variance Appeal Application including additional documentation provided by the appellants.

Staff mailed out 23 notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 250-foot notification boundary. To-date staff has received two (2) response in support, and one (1) response in opposition, of this Appeal.

### **Natural Resources**

The subject property has gradual elevation change, with a low point of approximately 832 feet in the southeast corner of the property and a high point of approximately 840 feet in the northeast corner. The property contains a few mature trees and patches of grass on the north half of the property. The property is not located within a floodplain and contains no other known environmental hazards or features.

### **Roads & Utilities**

The property has existing frontage onto NE 46<sup>th</sup> (Broadway), including two (2) entrance/access points onto each roadway. Water service is provided by Des Moines Water Works, and wastewater treatment is provided by an onsite septic system located north of the building on site. An upcoming roadway project along NE 46<sup>th</sup> (Broadway) Avenue will impact the subject property in terms of permanent right-of-way acquisition as well as a temporary construction easement. This impact will require that the existing freestanding sign be removed.

### **Recommendation**

**The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.**

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?  
No. There are no unique, exceptional or extraordinary circumstances or special conditions which prevent the placement of a legal and conforming freestanding sign on the property. While the current sign is being removed due to a County roadway project, the applicant has the ability to construct a new freestanding sign, or modify the existing sign structure, in conformance with the Ordinance that does not require a variance and would provide adequate advertising visible from the adjacent roadway.
- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)  
No. The requested variance is not necessary to preserve property rights associated to a freestanding sign on the subject property. The site is permitted one (1) freestanding sign not to exceed ten (10) feet in height. Other commercial properties are subject to the same standards. Properties that have a legal nonconforming sign that was previously permitted by the County may continue to use that sign until such time that it requires removal or replacement with a conforming sign per the nonconforming standards of the Polk County Zoning Ordinance.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

No. The current sign regulations within the Polk County Zoning Ordinance serve to protect and promote the public interest by regulating the size, type, area, height, placement, etc. of signage throughout the County. Polk County is investing significant financial resources into future roadway improvements along NE 46<sup>th</sup> (Broadway) Avenue to improve traffic and pedestrian movement. There is a public interest in ensuring that signage impacted along this corridor is replaced in accordance with the Ordinance.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The erection and removal of the existing sign is not a result from actions taken by the applicant. However, all commercial projects are subject to the same standards. All commercial properties that have legal nonconforming signs that were previously permitted by the County may continue to use that sign until such time that it requires removal or replacement with a conforming sign per the nonconforming standards of the Polk County Zoning Ordinance. As previously stated, there are no unique, exceptional or extraordinary circumstances or special conditions in this instance. While the impetus for removal of this sign is a public roadway improvement project, that fact has no bearing on the sign's nonconforming status. It is a matter of when, not if, nonconforming structures, including signs, are destroyed or substantially damaged to the point of loss of legal nonconforming status. Whatever the reason for the loss of legal nonconforming status (weather event, vehicle accident, public road project, act of god, etc.), even if not self-created, it does not necessarily constitute a hardship warranting the granting of a variance.

5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

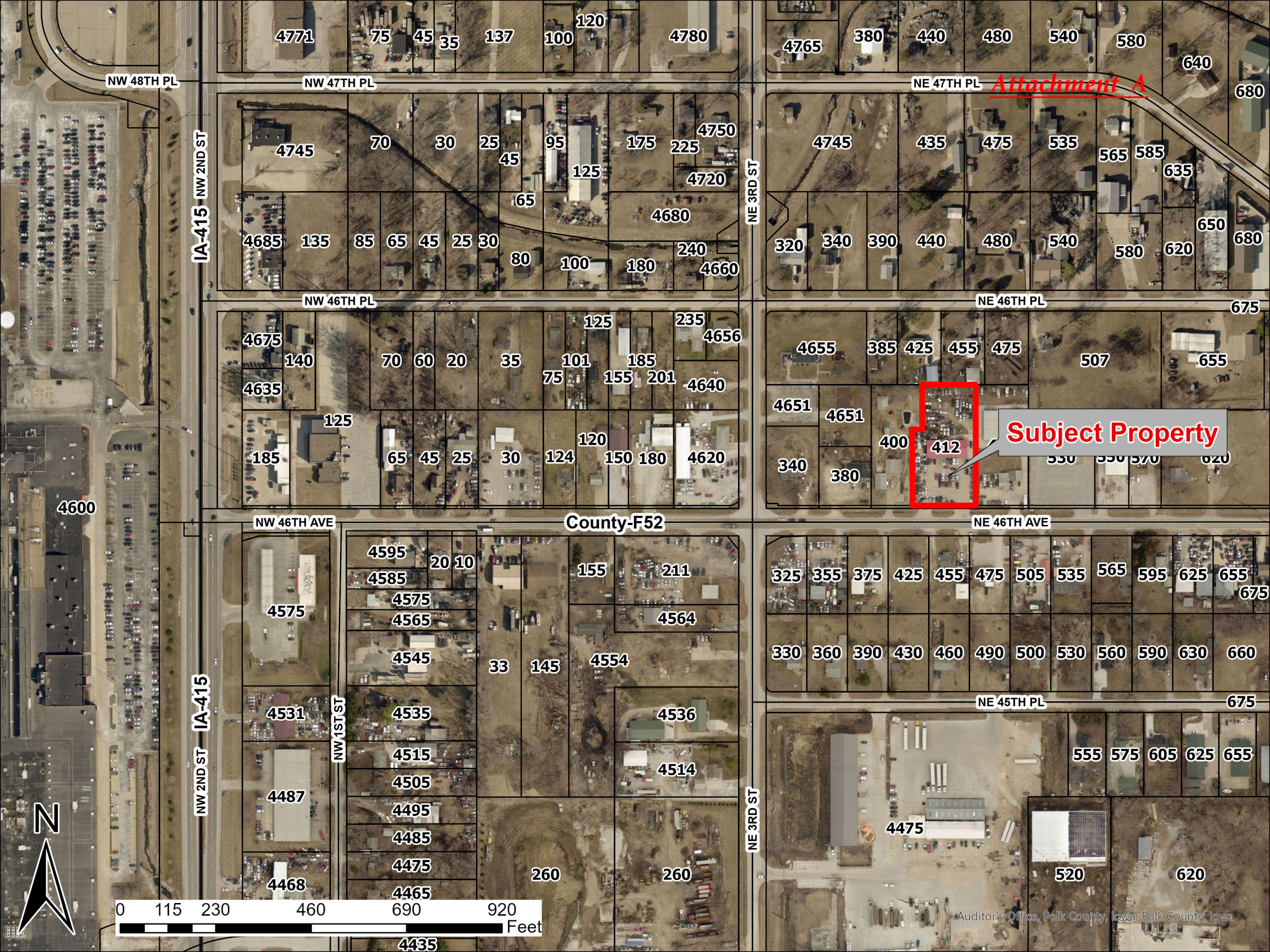
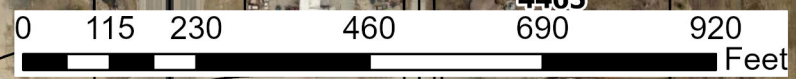
Yes. The proposed relocation of the sign on the subject property would have a minimal impact on any of these provisions. However, the variance is also not necessary to limit any impacts on these provisions of the Ordinance. This criterion is largely irrelevant in this circumstance.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were not answered in the affirmative, staff recommends **denial** of the requested variance. The

*Attachment A*

**Subject Property**

County-F52



NW 48TH PL

NW 47TH PL

NE 47TH PL

IA-415 NW 2ND ST

NE 3RD ST

NW 46TH PL

NE 46TH PL

NW 46TH AVE

NE 46TH AVE

NW 2ND ST IA-415

NW 1ST ST

NE 3RD ST

NE 45TH PL

4771

75

45

35

137

100

120

4780

4765

380

440

480

540

580

640

680

4745

70

30

25

45

95

175

225

4750

4745

435

475

535

565

585

635

4685

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85

65

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30

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100

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4680

320

340

390

440

480

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580

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650

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4675

140

70

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101

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201

4656

4655

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455

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655

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201

125

185

235

4640

4651

4651

400

412

340

380

550

550

570

620

4600

4595

20

10

4585

155

211

4575

4575

4565

4564

4545

33

145

4554

325

355

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425

455

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565

595

625

655

675

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4536

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390

430

460

490

500

530

560

590

630

660

4487

4515

4505

4514

4475

555

575

605

625

655

4468

4495

4485

4475

4465

260

260

520

620

4435

### Variance Appeal Application

#### Board of Adjustment Authority

The Polk County Board of Adjustment is empowered by Iowa law and by the Zoning Ordinance of Polk County to hear requests and to make decisions on variance appeals to the Zoning Ordinance for individual properties where provisions of the Ordinance impose a unique and unnecessary hardship on the property owner and where the granting of a variance is not contrary to the intent of the Zoning Ordinance or to the public interest.



Each variance appeal is only a request to have a hearing before the Board of Adjustment. Notice of the hearing will be provided to all property owners located within 250 feet from the subject property. The Board of Adjustment will make a determination at a public hearing whether or not to approve or deny the request based on a staff report, applicant presentation, as well as public input. All appeals that are denied shall not come back to the Board of Adjustment for one year. Refunds will not be made once notice has been sent out to adjacent property owners.

Please complete the entire application and review the Variance Regulations on page 3.

1. The undersigned applicant requests that the Board of Adjustment consider this application for a variance appeal for the following general purpose. (Describe briefly the request)

Request for an 8 ft. height variance for an existing, permitted sign (18 ft. in height) which the County will temporarily remove as a part of the NE Broadway Avenue Roadway Project. However, the County is requiring this variance request because the present ordinance limits the heights of signs to 10 ft.

(time stamp)  
Official Use Only

- 2. Subject Property Address: 412 NE Broadway Ave., Des Moines, IA 50313
- 3. Subject Property Zoning District: MU Commercial
- 4. District and Parcel Number: 270/01881-003-001
- 5. Subject Property Legal Description (attach if necessary): Lot 4 in MARSHALL SOUTH ACRES, an Official Plat, and Parcel B of Lot 3 MARSHALL SOUTH ACRES, an Official Plat, now included in and forming a part of Polk County, Iowa, as shown on the Plat of Survey filed of record on August 20, 2001, in Book 8952, Page 999 in the office of the Polk County Recorder.

6. Filing Fee: \$366.00 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Mike Hannam  
Signature

3/20/24  
date

1 Red Hotel, LLC

Applicant (Print Name)

Owner

Interest in Property (owner, renter, prospective buyer, etc.)

bigyellowjeep@msn.com

Email

412 NE Broadway Ave., Des Moines, IA 50313

Address, City, State and Zip

515-556-7290

Phone

Fax

8. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below

Daniel L. Manning, Sr.

Applicant Representative (Print Name)

Lillis O'Malley Law Firm

Firm or Business Name

505 5th Ave., Suite 1005, Des Moines, IA 50309

Address, City, State and Zip

dmanning@lolaw.com

515-243-8157

Phone

Fax

9. Property Owner Consent

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

<u>Mike Hannam,</u> (Print Name)	<u>Mike Hannam</u> Signature	<u>3-27-24</u> date
<u>Managing member of 1 Red Hotel, LLC</u> (Print Name)	_____ Signature	_____ date
_____ (Print Name)	_____ Signature	_____ date
_____ (Print Name)	_____ Signature	_____ date

10. State the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance. Specifically explain the nature of the appeal.

On the 3rd day of October 2022, Polk County condemned a strip of land along the front of the Applicant's property for the purpose of a public project to widen Broadway Avenue. The Applicant has an automobile dealership at this location and a lawfully approved pole sign (18 ft. in height) (first permitted in 1989) that has to be temporarily removed by the county during the construction of the roadway project. The pole sign also has electricity; can be removed; and easily relocated. The county asserts a change in the ordinance (after 1989) now prohibits the Applicant from re-erecting its 18 ft. sign when the county's roadway construction is completed. The ordinance now in place limits the heights of signage to 10 ft.

The Applicant has a "vested right" in the continuation of the nonconforming pole sign that existed prior to the change in the county ordinance. The Applicant has not legally abandoned, enlarged or extended its legal nonconforming sign. The sign is not new, but has to be removed (by the county) because of a county initiated public improvement project. So the ordinance the county is relying upon to limit the height of new signage has no application to these facts. Even though the Applicant has a "vested right" to its 18 ft. sign and believes it does not require a variance, the county asserts a variance is required. Therefore, the Applicant asserts the county's action has created a hardship and placed a unique and unnecessary restriction upon the Applicant and that a variance, in this instance, is consistent with the intent of the zoning ordinance as well as the public interest. See also Ames 2304 LLC v. City of Ames, 924 NW 2d 863, 868 (Iowa 2019).

Exhibit 1 - 1989 Sign/electrical permit with illustrations

Exhibit 2 - Application for Condemnation with acquisition plats attached (hearing conducted 10/3/22)

Exhibit 3 - Page 27 of the Gov't appraisal (effects of the acquisition)

Exhibit 4 - Page 25 of the Gov't appraisal (Easement Plat)

Phone (515) 286-3705 • Fax (515) 286-3437 Email: [PublicWorks@polkcountyiowa.gov](mailto:PublicWorks@polkcountyiowa.gov)

Forms available online <http://www.polkcountyiowa.gov/PublicWorks/> BOA Calendar [CALENDAR](#)

OFFICIAL USE ONLY			
Received by		Docket Number	
Date Received		Reviewed by	
BOA meeting date		BOA Approved	Y / N

Required Information: (must be included prior to making submittal)

1. Complete Application including the description of requested variance(s) with specific information for the request and state the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance.
2. Submit site drawing as required see details below.

#### **Site Drawing**

All variance appeals must submit three (3) 11x17 copies of a site drawing with the application. The site drawing must be fully dimensioned and legible. All required information must be drawn to a scale. The Zoning Administrator may require a petitioner to submit a site plan drawn by an engineer or architect. The site plan shall include the following:

1. Boundary drawing of the lot or area involved.
2. Location, dimensions, height and setbacks of all existing and proposed buildings and structures and the uses of each.
3. Use of the proposed addition to building or structure.
4. Approximate location of the vehicle entrance to the site.
5. Show the approximate location of water and sewer (septic system) facilities, if applicable.
6. Location of parking area and number of stalls required, if applicable.
7. General location of landscaping, buffer areas and screening, if applicable.
8. If the appeal is for a **sign**, the appeal must be accompanied by both a fully dimensioned, to scale elevation and site plan drawing of the sign, showing the exact location and size of the sign.

#### **Variance Regulations**

No variance from the provisions or requirements of this ordinance shall be authorized by the Board of Adjustment unless the Board finds beyond reasonable doubt that all the following conditions and circumstances exist. These regulations are found in the Zoning Ordinance, Article 17. Variance. The conditions and circumstances will be addressed by the Polk County Planning Division staff in reviewing the variance(s) request.

1. There must be exceptional or extraordinary circumstances or special conditions applying to the property in question, and do not exist generally on other properties in the same zoning district. By virtue of the unique or special conditions, it is, therefore, exceptionally difficult to place a use permitted in said district on the property.
2. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and such variances will not permit uses that are prohibited in that district.
3. The authorization of such variance will not be of substantial detriment to adjacent property and will not be contrary to the purpose of this Ordinance and the public interest.
4. That the special conditions or circumstances did not result from the actions of the applicant.
5. The variance will not entirely void the natural resource protection requirements of this Ordinance.

The condition and/or situation of a property for which a variance is sought must be of an unusual nature. A variance shall not be authorized if the condition or situation is of a general or recurrent nature such that adopting a general regulation as an amendment to this Ordinance is a reasonably practicable solution.

The variance granted shall be the minimum necessary to permit a use of the property. A variance shall neither increase the number of permitted dwelling units by more than one (1), nor allow the minimum lot area required for a use to be decreased by more than ten (10) percent. If natural resources are involved, then mitigation for any damage to the environment shall be a condition of the variation.



SIGN PERMIT

S-0067

Polk County Physical Planning Department  
5895 NE 14th St., Des Moines, Iowa 50313 • 286-3358

412 NE 46<sup>th</sup>  
Ave

Date: March 30, 1989

Township: Saylor

Job Address: 440 NE 46th Avenue

Applicant: Chuck Grazier

Owner/Business: C & G Auto

412 Broadway

Zoning District: R-1

Des Moines, IA 50313

No. of Signs Requested: one (48)

Dist. & Parcel No.: 270-1883

Type & Description of Sign(s): one 8' x 6' - 18' high pole sign (can only be 10 feet tall)

Electrical: Yes  No

Valuation: \$ 960.00

Total Fee: \$ 29.50

This permit is conditionally issued subject to any rules and regulations of the U.S. Government or the State of Iowa. In the event sign or billboard must be removed, the applicant agrees to remove same at his own expense.

All signs shall be fixed and shall not be audible. No illumination shall be intermittent, flashing, or scintillating, nor shall any sign or illumination be revolving or animated. No signs shall have moving parts including devices set in motion by movement of the atmosphere.

White: PERMITEE; Canary: FILE; Pink: MISC.



**APPLICATION FOR SIGN PERMIT**

**Date:** 3-29-81 **Township:** Wayne  
**Job Address:** 412 Riverside **Applicant:** Charles C. ...  
**Owner:** Charles C. ... 412 Riverside  
**Business:** Auto Wash 50213  
**Zoning District:** M-1 **Phone:** 82-1171  
**District & Parcel No.:** 276 1863 **Size of Lot:** 120' x 298'  
**Bldg. Length:** 27' x 35'  
**No., Type, and Square Footage of Existing Signs:** None

**Description of Work**

**On-Site Advertising**  **Location:** **Front Yard**   
**Billboard**  **Roof**   
**Nearest Billboard:** \_\_\_\_\_ **Wall**   
**Free Standing**   
**Ground**

**Description:**  
Billboard sign

**Size:** 8' x 6' **Sq.Ft. Per Face:** 48  
**Total Height:** 18' **Single or Double Faced:** (circle one)  
**Amt. of Projection Above Roof:** 0.0 **Total Square Footage:** 96

Attached to this Sign Application must be a detailed drawing of the sign(s). Plot Plan should include existing buildings and signs, if any, distances to the lot lines, dimension, and distances between buildings and signs. Also, show location of proposed sign and distances to all lot lines.

**Zoning Approved By:** [Signature] **Valuation of Sign:** \$ 100  
**Sign Permit Fee:** \$ 23.50  
**Electrical Fee:** \$ 6.00  
 (Notice an Electrical permit must be applied for if the sign is electrical.)  
**Total Fees:** \$ 29.50

Township Saylor,

Job Address 410 NE 46th Avenue

Owner Charles Grazier

The permittee named hereon is hereby authorized to perform the work outlined on this permit with the express condition that all work shall be done in full accordance with all applicable laws and ordinances.

All work must be inspected and approved prior to covering. Phone 286-3352 to request an inspection.

This permit shall expire one year from date of issue.

Permittee or Company Name  
Stivers Electric

Address  
5908 NE 11th Ct.

City Des Moines, IA Zip 50313

Contact Person Phone No.  
Ray Satter 289-2573

**NON-TRANSFERABLE**



Polk County Physical Planning Department  
5895 NE 14 St. Des Moines, Iowa 50313

White: Permittee, Canary: Assessor, Pink: File

**ELECTRICAL PERMIT NO. E-4529**

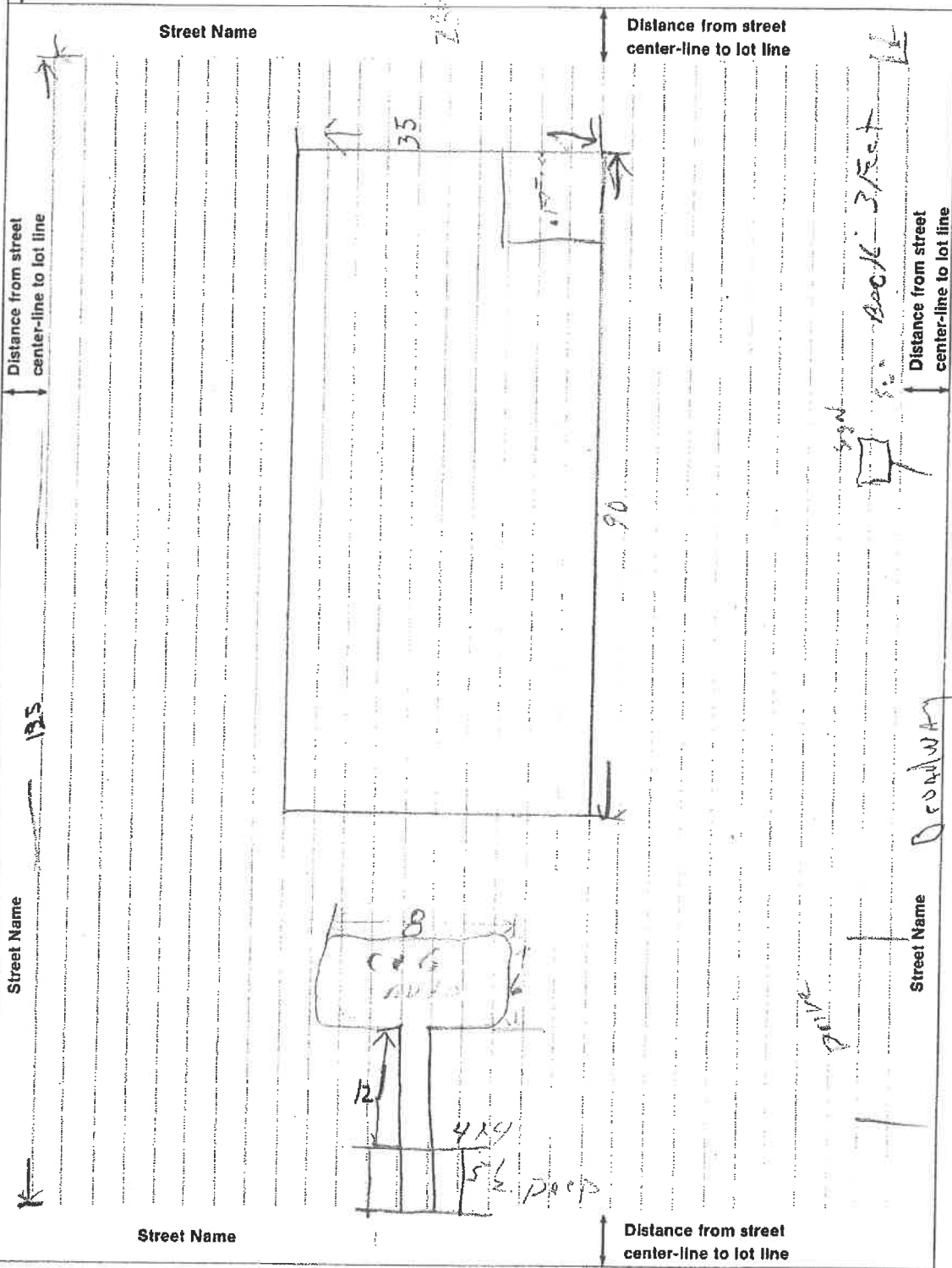
DATE OF ISSUE 4/14/89 B- S 0867

CLERK S1 RECEIPT NO. 119300

	No.	Fee
Meters		\$
Circuits		
<b>FIXED APPLIANCES</b>		
Range _____	Furnace _____	
Dryer _____	Air Cond _____	
Dishwasher _____	Unit Htr _____	
Heat pump _____	Elec. Sign <u>1</u>	1 4.00
Other _____		
<b>FIXTURES</b>		
<b>MOTORS (exclusive of circuits)</b>		
0 hp. to 6 hp.		
6 hp. or more		
Elevators-Each lifting device		
-Each floor served		
<b>Sub-Total</b>		\$4.00
<b>Penalty-Equal to Sub-Total</b>		\$
<b>Basic Fee</b>		\$ 5.00
<b>TOTAL FEE</b>		\$9.00

15-1/83-14

PLEASE SHOW DIMENSIONS OF ALL EXISTING AND PROPOSED BUILDINGS AND DISTANCE FROM ALL EXISTING AND PROPOSED BUILDINGS TO ALL LOT LINES.



OWNER Chuck Grunick COMMENTS: \_\_\_\_\_

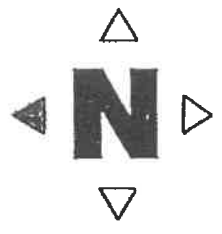
ADDRESS 412 Broadway \_\_\_\_\_

DRAWN BY \_\_\_\_\_

SITE APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

VERIFIED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_



## Sign Permit Application

Permit # \_\_\_\_\_

Sign Permit Fee: \_\_\_\_\_

**1. Applicant Information**

Chesnut Signs      Chad Ross      4/1/17  
 Applicant (Company)      Contact Person      Date  
971 NE Broadway  
 Address, City, State and Zip  
chad@chesnutsigns.com      243 8112      \_\_\_\_\_  
 Email      Phone      Fax



**2. Subject Property Information**

Property Owner Name: Mike Hannam  
 Business Name: Fast Action Auto  
 Address: 412 NE Broadway  
 District & Parcel #: 270/01881-003-000  
 Zoning District: MU  
 Existing/ Proposed Use: Auto Sales  
 Building Type (please circle appropriate) Single Tenant Multi-Tenant  
 Lot Size: .238 acres  
 Building Length: 98'



**3. Existing Signs**

Dimensions	Square Footage	Type (freestanding, wall, other)	Illuminated
<u>8' x 5'</u>	<u>40 sq ft</u>	<u>Pole</u>	<u>Y</u> / N
			Y / N
			Y / N
			Y / N
<b>Number of Existing Sign(s)</b>	<b>Total Square Footage Existing Signs</b>	<b>Freestanding Sign Height</b>	

**4. Proposed Signs**

New sign or Face change	Dimensions	Square Footage	Type (freestanding, wall, etc.)	Illuminated
<u>Face change</u>	<u>8' x 5'</u>	<u>40 sq ft</u>	<u>Pole</u>	<u>Y</u> / N
				Y / N
				Y / N
<b>Number of Proposed Sign(s)</b>	<b>Total Square Footage Proposed Signs</b>	<b>Freestanding Sign Height</b>		
<u>1</u>	<u>40</u>	<u>25' to 120'</u>		

**5. Attachments (the following must be attached to any sign permit application)**

1. Elevation Drawing – Show dimensions of sign, location on wall & height of freestanding sign.
2. Site Plan Drawing – Show proposed location and setback information of new and existing signs.
3. Filing Fee – Checks are to be made payable to Polk County.
4. Electrical Permit – If proposed sign(s) are illuminated, an Electrical Permit from the Building Division is required.

**Incomplete applications without necessary applications will not be processed.**  
 If proposed sign is a new billboard, a building permit and a sign permit are required

Return forms to: Polk County Public Works, Planning Division 5885 NE 14<sup>th</sup> Street, Des Moines, IA 50313

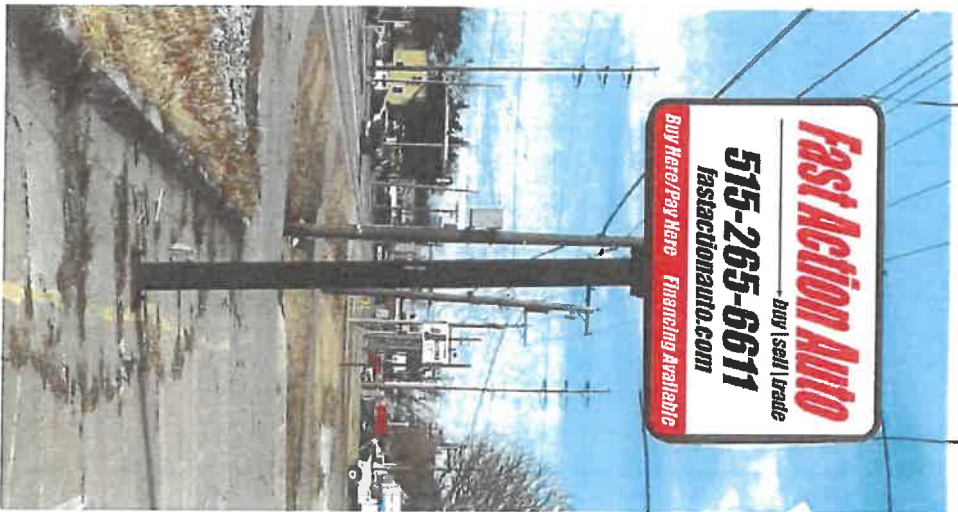
• Phone (515) 286-3705 • Fax (515) 286-3437 •

Forms and Sign Code available online <http://www.polkcountyia.gov/PublicWorks/>

OFFICIAL USE ONLY			
Received by:		Site Inspection Date:	
Date Issued:		Issued by:	



Existing



Proposed

**3** SIGN LAYOUT PROPOSED

SCALE: NTS • For Production / For Presentation

		Client	Fast Action Auto	City	City	Location	412 NE Broadway	Address	Chad	Designer	Matthew	68885	Phone	515-265-6611	Fast Action Auto	Page	7 of 9
Location	412 NE Broadway	Scale	As Noted	Supervisor	Chad	Designer	Matthew	<small>© COPYRIGHT 2014 BY CHESTNUT SIGNS • ALL DESIGNS RESERVED ARE THE SOLE PROPERTY OF CHESTNUT SIGNS AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN PERMISSION FROM CHESTNUT SIGNS.</small>									
Date	2.16.17																

NE 3RD ST

4656

4620

4655

4651

340

4651

380

385

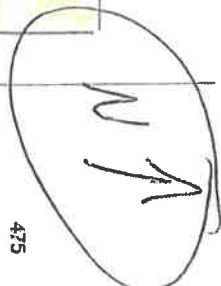
400

WALKWAY  
V  
S  
S

425

412

455



475

480

412 NE Broadway Ave, Des Moines, Iowa, 50313

# Polk County Assessor

111 Court Avenue #195  
Des Moines, IA 50309-0904

(515) 286-3014 Fax (515) 286-3386  
[polkweb@assess.co.polk.ia.us](mailto:polkweb@assess.co.polk.ia.us)

Location					
<b>Address</b>	412 NE BROADWAY AVE				
<b>City</b>	DES MOINES	<b>Zip</b>	50313	<b>Jurisdiction</b>	Saylor Township
<b>District/Parcel</b>	270/01881-003-000	<b>Geoparcels</b>	7924-14-377-023	<b>Status</b>	<a href="#">Active</a>
<b>School</b>	Saydel	<b>Nbhd/Pocket</b>	SA01/B	<b>Tax Authority Group</b>	SAY-T-SAY-77104
<b>Submarket</b>	Northeast Des Moines	<b>Appraiser</b>	Mike Caulfield, ICA 515-286-3325		

### Map and Current Photos - 1 Record

**Click on parcel to get a new listing**

[Bigger Map](#)  
[Google Map](#) [Pictometry](#)



### [Historical Photos](#)

### Ownership - 1 Record

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	1 RED HOTEL LLC	2017-02-14	<a href="#">16375/208</a>

### Legal Description and Mailing Address

PARCEL B BK 8952 PG 999 LT 3 & ALL LT 4 MARSHALL SOUTH ACRES	1 RED HOTEL LLC 3110 E 52ND ST DES MOINES, IA 50317
--	---

### Current Values

Type	Class	Kind	Land	Bldg	Total
2017 Assessment Roll	Commercial	Full	\$80,000	\$209,000	\$289,000
2016 Value	Commercial	Full	\$67,000	\$199,000	\$266,000

### [Assessment Roll Notice](#)

### Auditor Adjustments to Value

Category	Name	Information
----------	------	-------------





<b>Permit No: SIGN-2017-23511</b>
Type: <b>Sign</b>
Work Class: <b>Commercial</b>
Status: <b>Issued</b>
<b>Expiration Date: 10/06/2017</b>

Permit Information			
<b>Job Address</b> 412 NE 46TH AVE DES MOINES, IA 50313	<b>Project:</b>	<b>Square Feet:</b>	48
<b>Geo Parcel Number:</b> 792414377023	<b>District:</b> Saylor Twp	<b>Valuation:</b>	\$0.00
	<b>Issued Date:</b> 4/6/2017		

Work Site Info
Fast Action Auto: Re-face of existing 48 sq ft pole sign. Pole sign was legally established and permitted in 1989.

Conditions
<b>Condition</b>

Contacts			
<b>Type</b> Consultant	<b>Contact Name</b> Chestnut Signs	<b>Mailing Address</b> 971 NE 46TH AVE DES MOINES, IA United States 50313	<b>Phone Number</b> (515) 243-8112

Contractors			
<b>Type</b>	<b>Contact Name</b>	<b>Mailing Address</b>	<b>Phone Number</b>

<b>Fees Due</b>	<b>Invoice Number:</b>
	<b>Invoice Total:</b>

<b>Fees Paid</b>	<b>Invoice Number:</b>
	<b>Invoice Fees Paid:</b>

<b>Inspections</b>	<b>Inspection Type</b>
	Engineering Site
	Planning & Zoning Site
	Inspection

This permit authorizes performance of the work based on the information including conditions and restrictions contained within, and according to the plans and specifications which are hereby made an integral part of this document. All such authorized work shall be in accordance with the applicable laws and ordinances.

Final inspection of the work authorized by this permit is required. A Certificate of Occupancy or Certificate of Use must be obtained prior to occupancy or use of new buildings, structures or site.

No fee  
JMS

Doc ID: 038187320014 Type: GEN  
Kind: APPLICATION FOR CONDEMNATION  
Recorded: 08/31/2022 at 10:53:43 AM  
Fee Amt: \$0.00 Page 1 of 14  
Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2022-00069687  
BK 19249 PG 394-407

RETURN TO:

Prepared by: Jason Wittgraf, 111 Court Ave., Ste. 340, Des Moines, IA 50309; (515) 286-3330

BEFORE THE SHERIFF OF POLK COUNTY, IOWA

<p>IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND FOR THE POLK COUNTY BROADWAY AVENUE IMPROVEMENT PROJECT,</p>	<p>APPLICATION FOR CONDEMNATION</p>
<p>412 NE BROADWAY AVE., DES MOINES</p>	
<p>1 RED HOTEL LLC,</p>	
<p>BY</p>	
<p>POLK COUNTY, IOWA,</p>	
<p>Applicant.</p>	

TO: MICHAEL D. HÜPERT, CHIEF JUDGE, FIFTH JUDICIAL DISTRICT

YOU ARE HEREBY NOTIFIED that the Applicant Polk County, Iowa, a governmental subdivision organized and existing according to the laws of the State of Iowa, acting pursuant to Iowa Code Chapters 6A and 6B, desires to take, acquire, and condemn permanent and temporary easement interests in the property hereinafter described, together with any and all leasehold interests, easement interests, and other legal or equitable interests therein, and together with all structures and appurtenances located upon the property sought to be condemned. Polk County desires the rights specified in the property sought to be condemned for use for the Polk County Broadway Avenue Improvement Project (hereinafter the "Project").

**PROPERTY TO BE ACQUIRED.**

Through this condemnation action, Polk County intends to acquire the following property



interests from 412 NE Broadway Avenue, Des Moines, Iowa 50313, which is legally described as follows:

A PART OF LOT 3 AND A PART OF LOT 4 IN MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA.

Polk County seeks acquisition of a permanent electric easement interest for the Project as shown on the attached "Easement Plat", marked "Exhibit A", and by this reference is made a part hereof.

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 875.51 FEET; THENCE NORTH 0°10'08" WEST, 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°10'08" WEST, 5.00 FEET, THENCE NORTH 89°49'52" EAST, 5.00 FEET; THENCE SOUTH 0°10'08" EAST, 5.00 FEET; THENCE SOUTH 89°49'52" WEST 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 25 S.F.

Polk County also seeks acquisition of a permanent storm sewer and drainage easement interest for the Project as shown on the attached "Easement Plat", marked "Exhibit B", and by this reference is made a part hereof.

EASEMENT (A):

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 917.84 FEET; THENCE NORTH 0°10'08" WEST, 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'52" WEST, 25.00 FEET TO THE WEST LINE OF SAID PARCEL "B"; THENCE NORTH 0°51'50" WEST ALONG SAID WEST LINE, 25.00 FEET; THENCE NORTH 89°49'52" EAST, 25.30 FEET; THENCE SOUTH 0°10'08" EAST, 25.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (629 S.F.).

EASEMENT (B):

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 790.82 FEET; THENCE NORTH 0°21'54" WEST ALONG THE EAST LINE OF SAID LOT 4 EXTENDED SOUTHERLY AND ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'52" WEST, 1.36 FEET; THENCE NORTH 0°10'08" WEST, 15.00 FEET; THENCE NORTH 89°49'52" EAST, 1.31 FEET TO SAID EAST LINE OF SAID LOT 4; THENCE

SOUTH 0°21'54" EAST ALONG SAID EAST LINE, 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 20 S.F.

Polk County also seeks acquisition of a permanent roadway easement interest for the Project as shown on the attached "Acquisition Plat", marked "Exhibit C", and by this reference is made a part hereof.

THE SOUTH 7.00 FEET OF LOT 4 IN MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, AND THE SOUTH 7.00 FEET OF PARCEL "B" OF LOT 3 MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY FILED OF RECORD AUGUST 20, 2001, IN BOOK 8952, PAGE 999 IN THE OFFICE OF THE POLK COUNTY RECORDER AND CONTAINING 0.02 ACRES (1,063 S.F.).

Polk County also seeks acquisition of a temporary construction easement interest for the Project as shown on the attached "Easement Plat", marked "Exhibit D", and by this reference is made a part hereof.

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 942.35 FEET; THENCE NORTH 0°51'50" WEST, 65.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°51'50" WEST, 5.00 FEET; THENCE NORTH 89°49'52" EAST, 128.55 FEET; THENCE NORTH 0°21'54" WEST, 11.00 FEET; THENCE NORTH 89°49'52" EAST, 23.60 FEET TO THE EAST LINE OF SAID LOT 4; THENCE SOUTH 0°21'54" EAST ALONG SAID EAST LINE, 26.00 FEET; THENCE SOUTH 89°49'52" WEST 1.31 FEET; THENCE SOUTH 0°10'08" EAST, 15.00 FEET; THENCE SOUTH 89°49'52" WEST, 78.20 FEET; THENCE NORTH 0°10'08" WEST, 5.00 FEET; THENCE SOUTH 89°49'52" WEST, 5.00 FEET; THENCE SOUTH 0°10'08" EAST, 5.00 FEET; THENCE SOUTH 89°49'52" WEST, 42.32 FEET; THENCE NORTH 0°10'08" WEST, 25.00 FEET; THENCE SOUTH 89°49'52" WEST, 25.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.10 ACRES (4,147 S.F.).

PROPERTY: 412 NE BROADWAY AVENUE, DES MOINES, IA 50313

**TITLEHOLDER:**

1 RED HOTEL LLC  
412 NE BROADWAY AVE.  
DES MOINES, IA 50313

**LIENHOLDERS, ENCUMBRANCERS, LEASEHOLDERS, AND INTERESTED PARTIES:**

IOWA STATE BANK  
CAPITAL OFFICE  
627 EAST LOCUST STREET

DES MOINES, IA 50309

**LANDS NECESSARY TO ACHIEVE THE PUBLIC PURPOSE AND LANDS PROPOSED TO BE ACQUIRED FOR THE PROJECT.**

The Plats, marked as Exhibits A – D, and attached hereto and made a part hereof, identify the portions which are required by Polk County for the public purpose of constructing a portion of the Project and includes all improvements, fences, trees, and shrubs located on the premises to be acquired on the day the land is reviewed by the Compensation Commission, except for personal property.

The easements allow Polk County, its agents, contractors, employees, and other permitted parties, including but not limited to electric, cable, and telecommunications utilities and their respective agents, contractors, and employees, to enter in, upon, and onto the easement areas shown on the Plats for all construction purposes related to the Project, including but not limited to the following activities: (1) grading and excavation; (2) hauling, transporting, and storage of materials and equipment; (3) trimming and/or removal of trees and landscaping within or encroaching upon the temporary easement area; (4) utility work, including but not limited to relocation, placement, and removal of various utility facilities, such as electric poles and wires, water lines, sewer lines, and natural gas facilities that are within or encroaching upon the temporary easement area; (5) laying, constructing, maintaining, operating, repairing, and removing underground conduit, wires, cables, poles, guys, guy stubs, anchors, and other necessary equipment incident thereto (including but not limited to transformers, switchgears, capacitors, and other associated surface mounted equipment); and (6) soil and groundwater analysis and related requirements. Said temporary construction easement shall terminate upon completion of construction of the Project and acceptance of the Project improvements by the Board of Supervisors.

Upon completion of the Project, Polk County shall restore the easement areas to its original condition as reasonably as possible, including but not limited to restoration of lawns by sodding or seeding, replacement of concrete or asphalt driveways removed for grading or access purposes, and replacement of fences or other structures that may be removed or damaged by Polk County and/or permitted parties during the course of construction.

**GOOD FAITH EFFORTS HAVE BEEN MADE BY POLK COUNTY TO NEGOTIATE THE ACQUISITION OF THE PROPERTY.**

The Polk County right-of-way agent has been in regular contact with the property owner and over the last few months regarding the details of the improvement project in a concerted effort to

resolve this matter without a condemnation hearing.

Polk County will attempt to continue negotiations in hopes of reaching an agreement prior to a condemnation hearing. In the meantime and, due to upcoming construction time lines, it is necessary to initiate condemnation proceedings. The right-of-way agent has made the property owner aware of the fact it is now time to schedule a condemnation hearing since the parties have been unable to reach an agreement to date.

**YOU ARE HEREBY REQUESTED** to appoint a Compensation Commission to appraise the damages caused by this appropriation; said Commission to consist of six (6) commissioners who shall be residents of Polk County, Iowa, and order the property owner to provide Polk County with a tax identification number and a W-9 tax form once said Commission has appraised the damages for this appropriation.

**YOU ARE FURTHER REQUESTED** to give written notice to Polk County, Iowa, as soon as the commissioners have been selected.

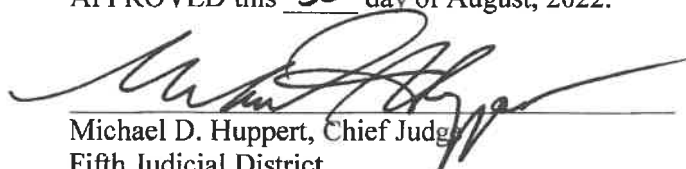
Dated this 29th day of August, 2022.

Respectfully submitted,


JOHN P. SARCONI  
POLK COUNTY ATTORNEY

  
\_\_\_\_\_  
Jason B. Wittgraf AT0008642  
Assistant Polk County Attorney  
111 Court Ave., Ste. 340  
Des Moines, IA 50309  
Phone: (515) 286-3330  
Email: [Jason.Wittgraf@polkcountyiowa.gov](mailto:Jason.Wittgraf@polkcountyiowa.gov)

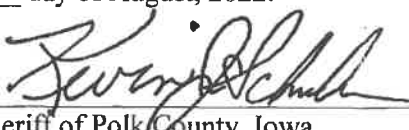
APPROVED this 30<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Michael D. Huppert, Chief Judge  
Fifth Judicial District

In accord with Iowa Code section 6B.3(3), I, the undersigned, certify under penalty of perjury and pursuant to the laws of the State of Iowa that this Original Application for Condemnation has been approved by the Chief Judge of the Fifth Judicial District.

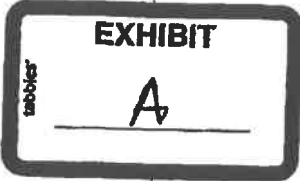
  
\_\_\_\_\_  
Jason B. Wittgraf  
Assistant Polk County Attorney

Filed in my office at Des Moines, Iowa, this 31<sup>st</sup> day of August, 2022.

  
\_\_\_\_\_  
Steven J. Schell  
Sheriff of Polk County, Iowa

**INDEX LEGEND**

SURVEYOR'S NAME / RETURN TO:  
TERRY COADY  
SNYDER & ASSOCIATES, INC.  
2727 SW SNYDER BOULEVARD  
ANKENY, IOWA 50023  
515-964-2020  
TLCOADY@SNYDER-ASSOCIATES.COM  
SERVICE PROVIDED BY:  
SNYDER & ASSOCIATES, INC.  
SURVEY LOCATED:  
PT OF LOT 4  
MARSHALL SOUTH ACRES  
SECTION 14-79N-24W  
REQUESTED BY:  
POLK COUNTY, IOWA



**EASEMENT PLAT**

PERMANENT ELECTRIC EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.

A PART OF LOT 4 IN MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 875.51 FEET; THENCE NORTH 0°10'08" WEST, 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°10'08" WEST, 5.00 FEET, THENCE NORTH 89°49'52" EAST, 5.00 FEET; THENCE SOUTH 0°10'08" EAST, 5.00 FEET; THENCE SOUTH 89°49'52" WEST 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 25 S.F.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**DATE OF SURVEY**

12-16-2020

**OWNER**

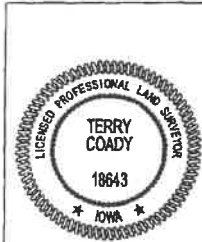
1 RED HOTEL, LLC

**BASIS OF BEARING**

THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 14-79-24 WAS ASSUMED TO BEAR SOUTH 89°49'52" WEST.

**LEGEND**

<u>Survey</u>	<u>Found</u>	<u>Set</u>
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap#18643 (Unless Otherwise Noted)	●	○
Plotted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Calculated Corner	+	
Centerline	----	
Section Line	----	
1/4 Section Line	----	
1/4 1/4 Section Line	----	
Easement Line	----	
Yellow Plastic Cap	YPC	



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Terry Coady* 8-15-2022  
Terry Coady, PLS Date

License Number 18643  
My License Renewal Date is December 31, 2023

Pages or sheets covered by this easement:  
Sheets 1 and 2

**BROADWAY AVENUE RECONSTRUCTION**

**PARCEL 15 - 1 RED HOTEL, LLC**



**SNYDER & ASSOCIATES, INC.**  
Engineers and Planners

2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 2

PN: 120.0314.01A

FBK: Bk 1316, Pg 01-71

DATE: 02-24-22

PM/TECH: TLC/RSN

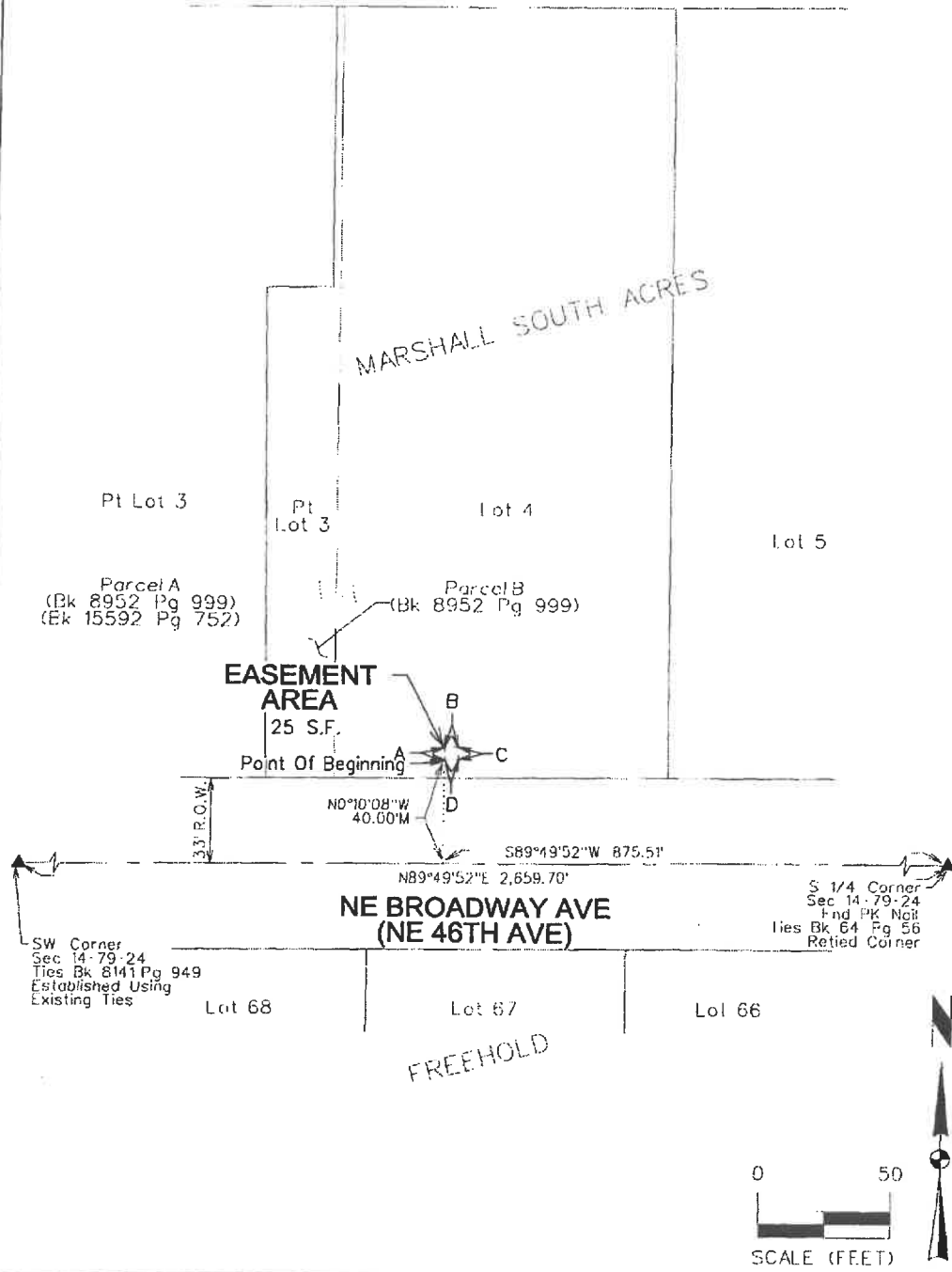


# EASEMENT PLAT

PERMANENT ELECTRIC EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.

## LINE DIMENSIONS

- A N0° 10'08"W 5.00'
- B N89°49'52"E 5.00'
- C S0° 10'08"E 5.00'
- D S89°49'52"W 5.00'



**BROADWAY AVENUE RECONSTRUCTION**

**PARCEL 15 - 1 RED HOTEL, LLC**



**SNYDER & ASSOCIATES, INC.**  
Engineers and Planners

2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

SHEET 2 OF 2

PN: 120.0314.01A

FBK: Bk 1316, Pg 01-71

DATE: 02-24-22

PM/TECH: TLC/RSN

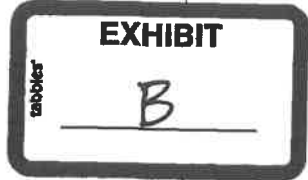
**INDEX LEGEND**

SURVEYOR'S NAME / RETURN TO:  
 TERRY COADY  
 SNYDER & ASSOCIATES, INC.  
 2727 SW SNYDER BOULEVARD  
 ANKENY, IOWA 50023  
 515-964-2020  
 T.LCOADY@SNYDER-ASSOCIATES.COM

SERVICE PROVIDED BY:  
 SNYDER & ASSOCIATES, INC.

SURVEY LOCATED:  
 PT PARCEL "B" OF LOT 3  
 MARSHALL SOUTH ACRES  
 SECTION 14-79N-24W

REQUESTED BY:  
 POLK COUNTY, IOWA



**EASEMENT PLAT**

PERMANENT STORM SEWER AND DRAINAGE EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.

**EASEMENT (a):**

A PART OF PARCEL "B" OF LOT 3, MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 8952 PAGE 999 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 917.84 FEET; THENCE NORTH 0°10'08" WEST, 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'52" WEST, 25.00 FEET TO THE WEST LINE OF SAID PARCEL "B"; THENCE NORTH 0°51'50" WEST ALONG SAID WEST LINE, 25.00 FEET; THENCE NORTH 89°49'52" EAST, 25.30 FEET; THENCE SOUTH 0°10'08" EAST, 25.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (629 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**EASEMENT (b):**

A PART OF LOT 4, MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 790.82 FEET; THENCE NORTH 0°21'54" WEST ALONG THE EAST LINE OF SAID LOT 4 EXTENDED SOUTHERLY AND ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'52" WEST, 1.36 FEET; THENCE NORTH 0°10'08" WEST, 15.00 FEET; THENCE NORTH 89°49'52" EAST, 1.31 FEET TO SAID EAST LINE OF SAID LOT 4; THENCE SOUTH 0°21'54" EAST ALONG SAID EAST LINE, 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 20 S.F.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**DATE OF SURVEY**

12-16-2020

**OWNER**

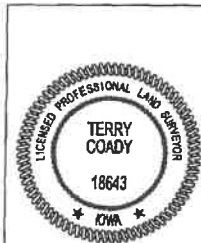
1 RED HOTEL, LLC

**BASIS OF BEARING**

THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 14-79-24 WAS ASSUMED TO BEAR NORTH 89°49'52" EAST.

**LEGEND**

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #18643 (Unless Otherwise Noted)	●	○
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Calculated Corner	+	
Centerline	---	
Section Line	---	
1/4 Section Line	---	
1/4 1/4 Section Line	---	
Easement Line	---	
Yellow Plastic Cap	YPC	



I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Terry Coady* 12-15-2022  
 Terry Coady, PLS Date

License Number 18643  
 My License Renewal Date is December 31, 2023

Pages or sheets covered by this seal:  
 Sheets 1 and 2

**BROADWAY AVENUE RECONSTRUCTION**

**PARCEL 15 - 1 RED HOTEL, LLC**



**SNYDER & ASSOCIATES, INC.**  
 Engineers and Planners

2727 S.W. SNYDER BLVD.  
 ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 2

PN: 120.0314.01A

FBK: Bk 1316, Pg 01-71

DATE: 10-13-21

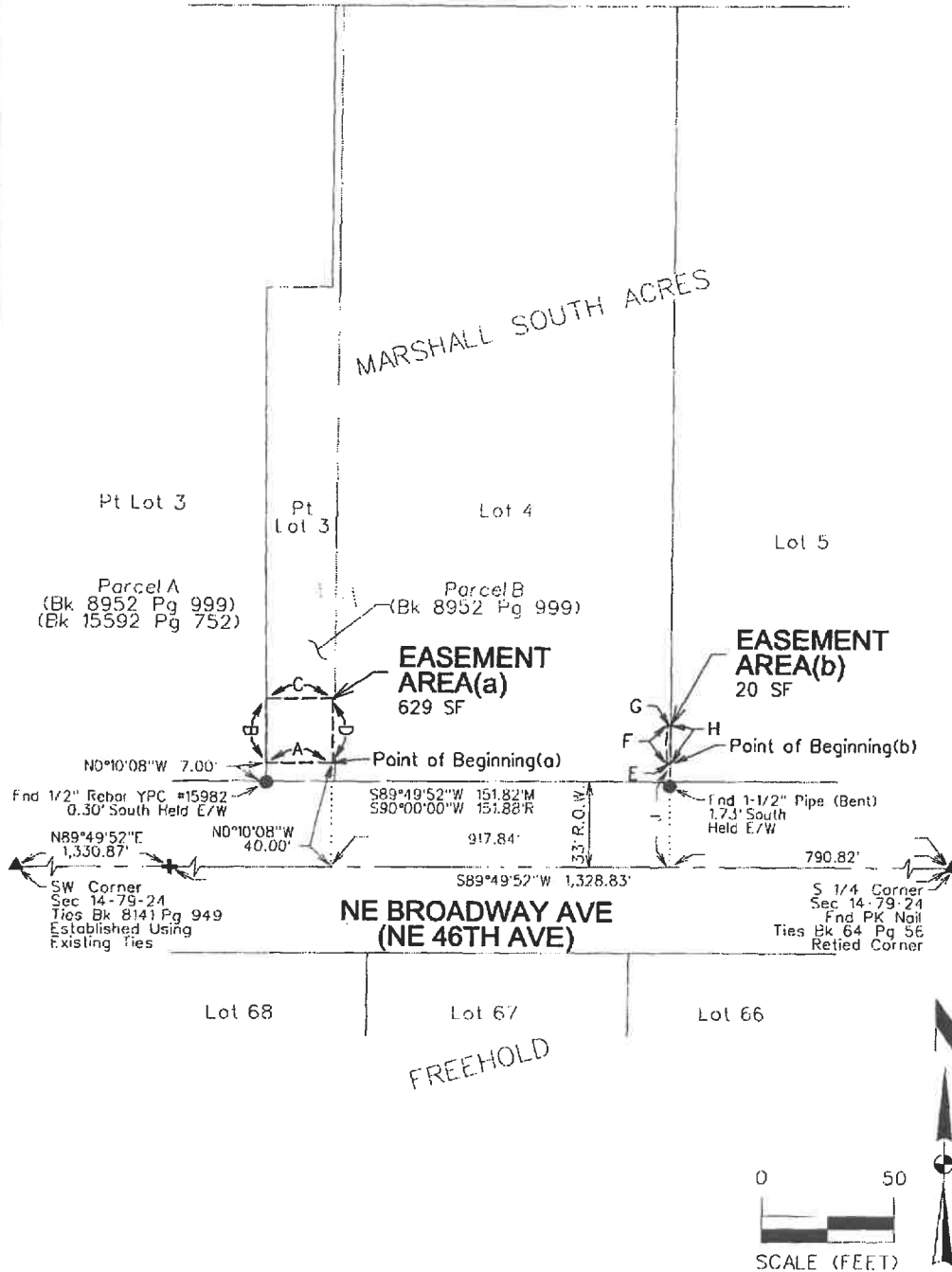
PW/TECH: TLC/JDP

# EASEMENT PLAT

PERMANENT STORM SEWER AND DRAINAGE EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.

## LINE DIMENSIONS

A	S89°49'52"W 25.00'	E	S89°49'52"W 1.36'
B	N0°51'50"W 25.00'	F	N0°10'08"W 15.00'
C	N89°49'52"E 25.30'	G	N89°49'52"E 1.31'
D	S0°10'08"E 25.00'	H	S0°21'54"E 15.00'
		J	N0°21'54"W 40.00'



**BROADWAY AVENUE RECONSTRUCTION**

**PARCEL 15 - 1 RED HOTEL, LLC**



**SNYDER & ASSOCIATES, INC.**  
Engineers and Planners

2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

SHEET 2 OF 2

PN: 120.0314.01A

FBK: Bk 1316, Pg 01-71

DATE: 10-13-21

PM/TECH: TLC/JDP

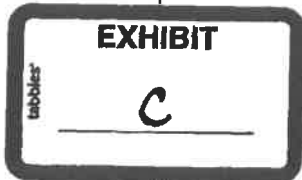
**INDEX LEGEND**

SURVEYOR'S NAME / RETURN TO:  
 TERRY COADY  
 SNYDER & ASSOCIATES, INC.  
 2727 SW SNYDER BOULEVARD  
 ANKENY, IOWA 50023  
 515-964-2020  
 TLCOADY@SNYDER-ASSOCIATES.COM

SERVICE PROVIDED BY:  
 SNYDER & ASSOCIATES, INC.

SURVEY LOCATED:  
 PT PARCEL "B" OF LOT 3 & 4  
 MARSHALL SOUTH ACRES  
 SECTION 14-79N-24W

REQUESTED BY:  
 POLK COUNTY, IOWA



**ACQUISITION PLAT**

PERMANENT ROADWAY EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.

THE SOUTH 7.00 FEET OF LOT 4 IN MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, AND THE SOUTH 7.00 FEET OF PARCEL "B" OF LOT 3 MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY FILED OF RECORD AUGUST 20, 2001, IN BOOK 8952, PAGE 999 IN THE OFFICE OF THE POLK COUNTY RECORDER AND CONTAINING 0.02 ACRES. (1,063 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**NOTE**

IN SITUATIONS WHERE THE ACQUISITION PLAT SHOWS SETTING A 1/2" REBAR, YELLOW PLASTIC CAP #18643 AND THE EXISTING CONDITIONS WILL NOT ALLOW THIS TYPE OF MONUMENT, A CUT "X" WILL BE SET IN CONCRETE OR A "MAG" NAIL WILL BE SET IN ASPHALT.

**DATE OF SURVEY**

12-16-2020

**OWNER**

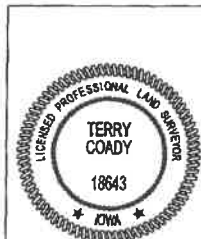
1 RED HOTEL, LLC

**BASIS OF BEARING**

THE SOUTH LINE OF THE  
 SOUTHWEST 1/4 OF SECTION  
 14-79-24 WAS ASSUMED TO  
 BEAR NORTH 89°49'52" EAST.

**LEGEND**

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #18643 (Unless Otherwise Noted)	●	○
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Calculated Corner	+	
Centerline	---	
Section Line	---	
1/4 Section Line	---	
1/4 1/4 Section Line	---	
Easement Line	---	
Yellow Plastic Cap	YPC	



I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Terry Coady* 8-15-2022  
 Terry Coady, PLS Date

License Number 18643  
 My License Renewal Date is December 31, 2023

Pages or sheets covered by this seal:  
 Sheets 1 and 2

**BROADWAY AVENUE RECONSTRUCTION**

**PARCEL 15 - 1 RED HOTEL, LLC**



**SNYDER & ASSOCIATES, INC.**  
 Engineers and Planners

2727 S.W. SNYDER BLVD.  
 ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 2

PN: 120.0314.01A

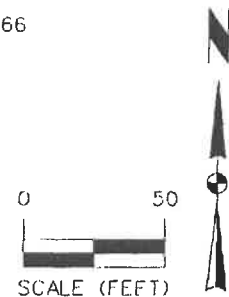
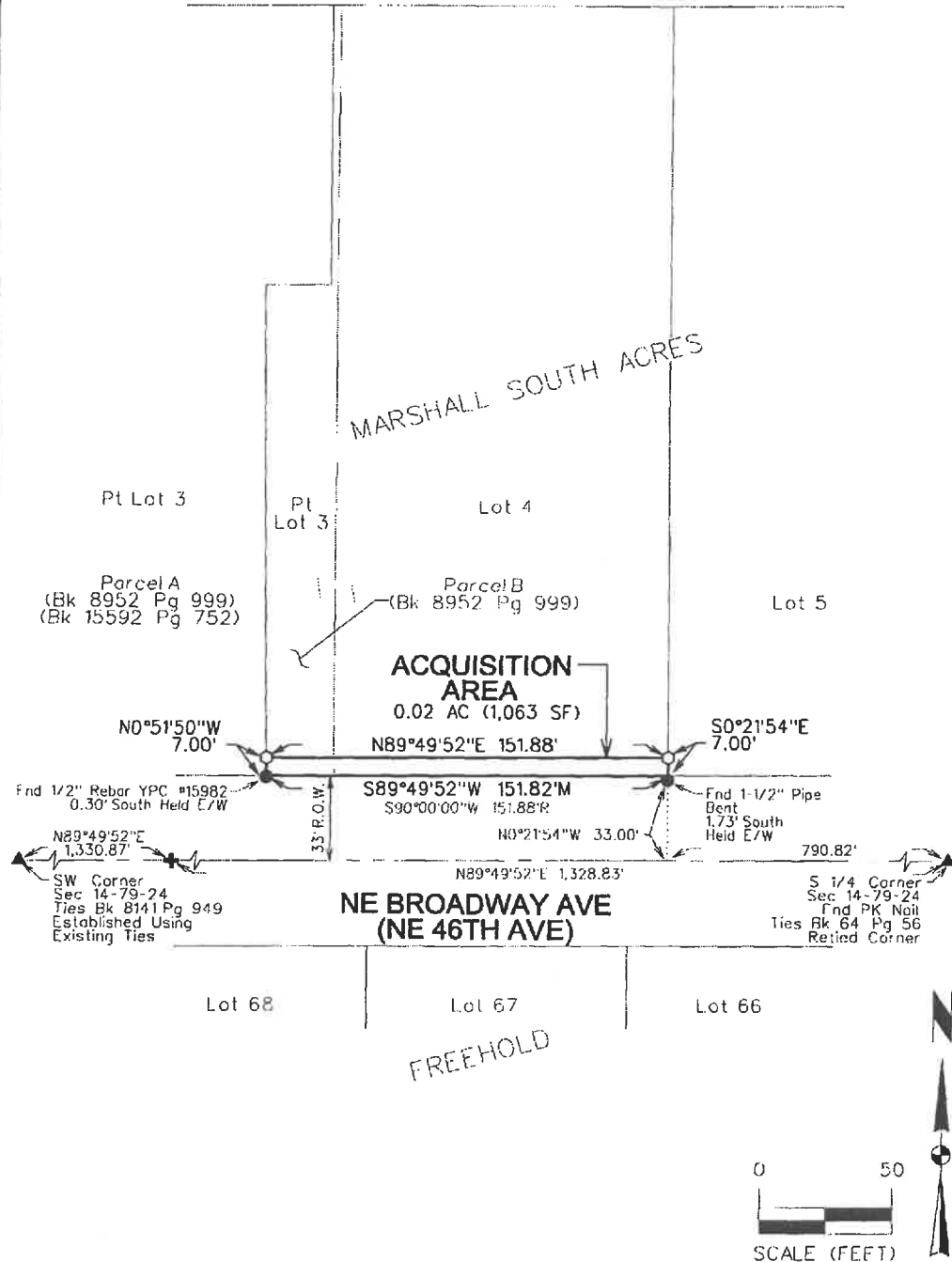
FBK: Bk 1318, Pg 01-71

DATE: 10-13-21

PW/TECH: TLC/JDP

# ACQUISITION PLAT

PERMANENT ROADWAY EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.



<b>BROADWAY AVENUE RECONSTRUCTION</b>		SHEET 2 OF 2
<b>PARCEL 15 - 1 RED HOTEL, LLC</b>		PN: 120.0314.01A
<b>SNYDER &amp; ASSOCIATES, INC.</b> Engineers and Planners	2727 S.W. SNYDER BLVD. ANKENY, IA 50023 (515) 964-2020	FBK: Bk 1316, Pg 01-71
		DATE: 10-13-21
		PM/TECH: TLC/JDP

Over: 2/11/21 10:00 AM  
 V:\Projects\2021\2021-03-14-06A\Design\100\Acquisition\Parcel 15 - 1 Red Hotel\120.0314.01A.dwg, PLOT, 10/13/21  
 Date: 10/13/21

**INDEX LEGEND**

SURVEYOR'S NAME / RETURN TO:  
 TERRY COADY  
 SNYDER & ASSOCIATES, INC.  
 2727 SW SNYDER BOULEVARD  
 ANKENY, IOWA 50023  
 515-964-2020  
 TLCOADY@SNYDER-ASSOCIATES.COM

SERVICE PROVIDED BY:  
 SNYDER & ASSOCIATES, INC.

SURVEY LOCATED:  
 PT OF LOT 3 & PT OF LOT 4  
 MARSHALL SOUTH ACRES  
 SECTION 14-79N-24W

REQUESTED BY:  
 POLK COUNTY, IOWA



**EASEMENT PLAT**

TEMPORARY CONSTRUCTION EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.

A PART OF LOT 3 AND A PART OF LOT 4 IN MARSHALL SOUTH ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M.; THENCE SOUTH 89°49'52" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 942.35 FEET; THENCE NORTH 0°51'50" WEST, 65.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°51'50" WEST, 5.00 FEET; THENCE NORTH 89°49'52" EAST, 128.55 FEET; THENCE NORTH 0°21'54" WEST, 11.00 FEET; THENCE NORTH 89°49'52" EAST, 23.60 FEET TO THE EAST LINE OF SAID LOT 4; THENCE SOUTH 0°21'54" EAST ALONG SAID EAST LINE, 26.00 FEET; THENCE SOUTH 89°49'52" WEST, 1.31 FEET; THENCE SOUTH 0°10'08" EAST, 15.00 FEET; THENCE SOUTH 89°49'52" WEST, 78.20 FEET; THENCE NORTH 0°10'08" WEST, 5.00 FEET; THENCE SOUTH 89°49'52" WEST, 5.00 FEET; THENCE SOUTH 0°10'08" EAST, 5.00 FEET; THENCE SOUTH 89°49'52" WEST, 42.32 FEET; THENCE NORTH 0°10'08" WEST, 25.00 FEET; THENCE SOUTH 89°49'52" WEST, 25.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.10 ACRES (4,147 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**DATE OF SURVEY**

12-16-2020

**OWNER**

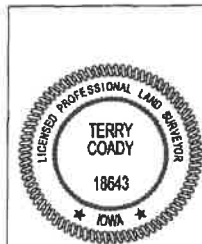
1 RED HOTEL, LLC

**BASIS OF BEARING**

THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 14-79-24 WAS ASSUMED TO BEAR SOUTH 89°49'52" WEST.

**LEGEND**

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #18643 (Unless Otherwise Noted)	●	○
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Calculated Corner	+	
Centerline	---	
Section Line	----	
1/4 Section Line	-----	
1/4 1/4 Section Line	-----	
Easement Line	-----	
Yellow Plastic Cap	YPC	



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Terry Coady* 12-16-2020  
 Terry Coady, PLS Date

License Number 18643  
 My License Renewal Date is December 31, 2023

Pages or sheets covered by this seal:  
 Sheets 1 and 2

**BROADWAY AVENUE RECONSTRUCTION**

**PARCEL 15 - 1 RED HOTEL, LLC**



**SNYDER & ASSOCIATES, INC.**  
 Engineers and Planners

2727 S.W. SNYDER BLVD.  
 ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 2

PN: 120.0314.01A

FBK: Bk 1316, Pg 01-71

DATE: 08-26-22

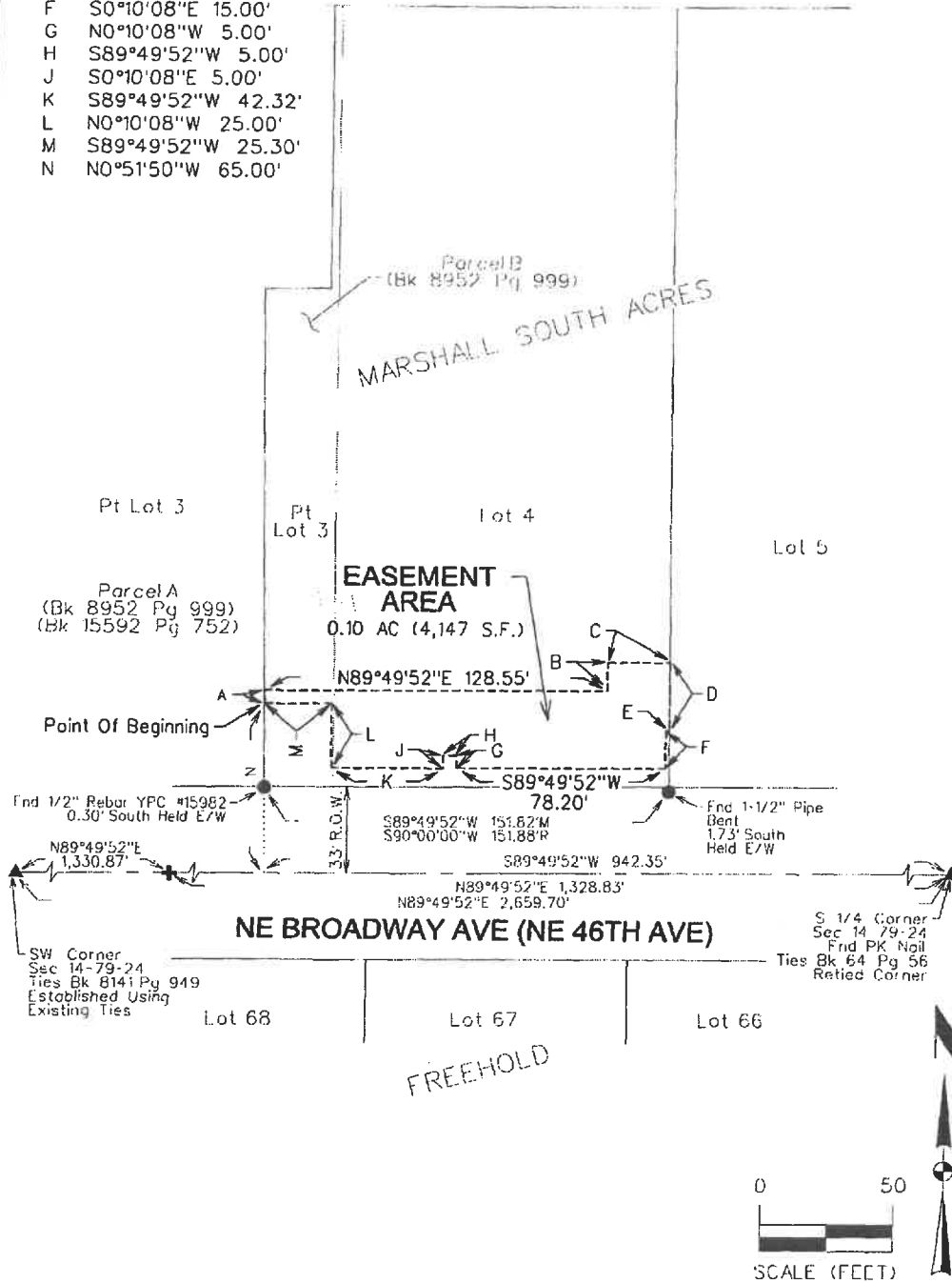
PM/TECH: TLC/JDP


# EASEMENT PLAT

TEMPORARY CONSTRUCTION EASEMENT BEING CONVEYED TO POLK COUNTY, IOWA.

## LINE DIMENSIONS

- A N0°51'50"W 5.00'
- B N0°21'54"W 11.00'
- C N89°49'52"E 23.60'
- D S0°21'54"E 26.00'
- E S89°49'52"W 1.31'
- F S0°10'08"E 15.00'
- G N0°10'08"W 5.00'
- H S89°49'52"W 5.00'
- J S0°10'08"E 5.00'
- K S89°49'52"W 42.32'
- L N0°10'08"W 25.00'
- M S89°49'52"W 25.30'
- N N0°51'50"W 65.00'



<b>BROADWAY AVENUE RECONSTRUCTION</b>		SHEET 2 OF 2
<b>PARCEL 15 - 1 RED HOTEL, LLC</b>		PN: 120.0314.01A
 <b>SNYDER &amp; ASSOCIATES, INC.</b> Engineers and Planners	2727 S.W. SNYDER BLVD. ANKENY, IA 50023 (515) 964-2020	FBK: Bk 1316, Pg 01-71
		DATE: 08-26-22
		PM/TECH: TLC/JDP

Use as shown for the project only. No liability is assumed for any errors or omissions. Standards of Practice apply. Take note of details. V:\Projects\2022\08-26-22\DWG\DWG\PROJ\Parcel 15 - 1 Red Hotel LLC - 082622.dwg, 11, Ver. 15, Coordinates by 8/29/22, Tacey

Prepared for

**Mike Holsapple**  
**Associate Project Manager**  
**JCG Land Services, Inc.**  
**9001 Hickman Road, Suite 100**  
**Urbandale, IA 50322**

An Appraisal of Real Estate Described as

**Parcel 15 – 1 Red Hotel, LLC**  
**Located at 412 NE Broadway Avenue**  
**Des Moines, Iowa**

Date of Value

**December 16, 2021**

Prepared by

**Russ G. Manternach, MAI**  
**Commercial Appraisers of Iowa, Inc.**  
**3737 Woodland Avenue, Suite 320**  
**West Des Moines, IA 50266**  
**(515) 288-6800**  
**(515) 288-6810 FAX**





## EFFECTS OF THE ACQUISITION

Polk County and/or the City of Des Moines proposes to acquire a 1,063 square foot permanent roadway easement. There is no fee acquisition. However, the permanent easement allows this portion of the site to be improved with highway, sidewalk, drainage improvements, and other related public improvements. Therefore, the loss in value resulting from the permanent easement is similar to a fee acquisition. As a result, the effective land area is reduced by 0.02 acres, or approximately 2.5% of the parent tract site area.

The owner will lose partial use of the 649 square foot permanent storm sewer and drainage easement area. After the project is completed, the majority of the permanent easement area can still be used for yard, parking/drives, setback, and greenspace purposes. No buildings will be permitted to be constructed on the permanent easement area. The proposed easement appears to be located within typical building setbacks.

The owner will lose partial use of the temporary construction easement area. The duration of the easement will be for up to 24 months. However, the easement area will likely be only used for a few months during construction of the project improvements adjacent to the site.

The property has a sign located on the south portion of the site that will require relocation as a result of the project. The cost to relocate this sign will be compensated separately from this appraisal.

A portion of the subject south drive(s), along with some pavement/concrete, will be replaced as part of the project. The property will have approximately 1,000 square feet less pavement/concrete parking area after the project is completed.

The property will continue to have access during the project.

There is no loss in the contributory value of the building or associated improvements, unless noted otherwise. The highest and best use of the remainder property will not change after the proposed acquisition.

Any driveways, grass areas, light poles, mail boxes, or drainage improvements disturbed by the project will be repaired and/or replaced by the project contractor, unless noted otherwise.

ACQUISITION DISPLAY MAP

