

**CITY COUNCIL COMMUNICATION 98-034
JANUARY 26, 1998 AGENDA**

SUBJECT:

**APPROVAL OF QUIT CLAIM DEED TO
TRANSFER TITLE OF 63RD STREET
RIGHT-OF-WAY TO IOWA DEPARTMENT
OF TRANSPORTATION**

SUBMITTED BY:

**HAROLD SMITH
CITY ENGINEER**

SYNOPSIS –

The Quit Claim Deed transfers title of 63rd Street right-of-way to the Iowa Department of Transportation (IDOT) pursuant to an agreement dated June 23, 1980, between the City and IDOT.

FISCAL IMPACT –

N/A

RECOMMENDATION –

Approval of Quit Claim Deed and authorization to Mayor to sign Quit Claim Deed to transfer title of 63rd Street right-of-way to IDOT.

BACKGROUND –

On April 16, 1979, by Roll Call No. 1783, the City Council approved a Memorandum of Understanding with IDOT on Primary Road Extension Service relative to long range transportation plans on the transfer of responsibility of various streets and/or highways. The Memorandum specifically designates City streets, such as 63rd Street, which were to become the responsibility of IDOT.

On June 23, 1980, by Roll Call No. 3152, under the provisions of the above Memorandum of Understanding, the City entered into an agreement with the State of Iowa to transfer to the State

the right-of-way making up the East 1/2 of the roadway of 63rd Street from the South City Limits North to Hickman Road, for a distance of 3.36 miles, except for 0.25± miles from Woodland North to Center, thereby transferring the title and jurisdiction of said roadway pursuant to Section 306.42 and Section 313.2 of the Code of Iowa 1979. The transfer of public road jurisdiction took effect July 1, 1980.

On August 22, 1983, by Roll Call No. 3978, the City transferred title of 63rd Street from South City Limits to the Raccoon River, a distance of approximately one mile, to the State of Iowa, IDOT.

On January 5, 1998, a roll call was presented to the City Council for approval of the Quit Claim Deed transferring title to the right-of-way of 63rd Street, from the Raccoon River North to Hickman Avenue, to the State of Iowa, IDOT. A question was raised as to the amount of right-of-way being acquired from the City of Des Moines versus that being acquired from adjacent cities. This has been a concern in the past. Attached to the roll call is a letter from IDOT which addresses some of the concerns raised at the January 5, 1998 City Council meeting, including future plans to widen 63rd Street and the process to be used. Because the City will be involved in the design process of any future project, we will be able to address concerns about more right-of-way acquisition from the Des Moines side of the project than from the western suburb. However, most of the right-of-way that is being conveyed by this Quit Claim Deed was acquired as part of the development process when subdivisions on the street were created, or from private owners when the street itself was developed. The City took title to the majority of these properties between 1893 and 1965.