

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

98-352

SYNOPSIS –

AGENDA:
AUGUST 17, 1998

Resolution to deny the sale and conveyance of the portion of the alley adjoining 3844 - 6th Avenue to Daniel R. Burkle for nominal value of \$25 plus costs, and directing City Manager to have property appraised for sale at Fair Market Value.

SUBJECT:
DENIAL OF SALE
AND CONVEYANCE
OF ALLEY
ADJOINING 3844 -
6TH AVENUE

FISCAL IMPACT –

N/A

TYPE:
RESOLUTION
ORDINANCE
RECEIVE/FILE

RECOMMENDATION –

SUBMITTED BY:
HAROLD SMITH
CITY ENGINEER

The existing City Council policy, adopted by Roll Call No. 92-3780 on September 28, 1992, requires that this property be appraised and sold at Fair Market Value.

BACKGROUND –

City staff solicited an offer from Daniel R. Burkle to purchase a portion of the alley abutting 3844 - 6th Avenue for nominal value of \$25 plus cost in belief that the property qualified in accordance with the existing policy adopted by the City Council by Roll Call No. 93-3780 on September 28, 1992.

Further investigation by City staff has determined that, although the property at 3844 - 6th Avenue is used for single family residential use, the property is actually zoned to the “ C-2” General Retail and Highway Oriented Commercial Classification.

The existing policy states as follows:

“ The fee for the conveyance of vacated public right-of-way in R-3 through C-3 zoning districts shall be the fair market

value determined at the time of the request and sale, said value to be based on the recent sales of similar property. Prospective buyers of property in these districts could either purchase at the fair market value or, upon approval of staff, purchase at a reduced fee subject to a deed restricting development of the property.”

To conform with the existing Council policy, it will be necessary to appraise the property and establish a fair market value for the sale of the property.