



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

98-413

SYNOPSIS —

AGENDA:
SEPTEMBER 14, 1998

At its August 17, 1998, meeting the City Council directed staff to prepare a report on conveyance alternatives for two vacated alleys in the vicinity of East 6th and Grand Ave. To prepare this report, requests for information were sent to both interested property owners: the applicant James O. Boyt and the adjoining property owner Mike Paul, Paul’ s Paint and Body Co. Responses have been received from both parties (copies attached).

SUBJECT:
JAMES O. BOYT
ALLEY VACATION

TYPE:
RESOLUTION
ORDINANCE
RECEIVE/FILE

FISCAL IMPACT –

SUBMITTED BY:
JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

N/A

RECOMMENDATION –

**Approval of Plan & Zoning (P&Z) Commission
Recommendation.**

BACKGROUND –

The following is a summary of the information provided to the staff by the two parties wanting to purchase the alleyways:

- 1. Proposed use for both alleys.

Mr. Boyt: **North/South Alley:** Landscaped outdoor area for tenant use. Possibly an “ art in the courtyard” program.
East/West Alley: Possibly an extension of the “ art in the courtyard” program. Otherwise, left open as is.

Mr. Paul: **North/South Alley:** Parking area for Paul’ s Body Shop employees or vehicles waiting for owner pickup. No storage of vehicles needing work or inoperable vehicles. No

material storage.

East/West Alley: Left in current open condition.

2. How the proposed use will benefit the Gateway East Project.

Mr. Boyt: His proposed use of alley will support the continued viability of an important row of buildings, consistent with the Capitol Gateway East Plan. Letter of support from John C. Burgeson, Chairman of the Capitol Gateway East Plan Steering Committee.

Mr. Paul: Proposed use will benefit project by moving vehicles off street and improving the appearance of the alleyways.

3. Amount of money offered for the property.

Mr. Boyt: Subject to P&Z recommended restrictions:

Total \$2,500.

Mr. Paul:

“ As is” : North/South Alley: \$5.25 per sq. ft. or \$3,150

East/West Alley: \$1.25 per sq. ft. or \$1,875

Total \$5,025

“ Cleaned” : North/South Alley: \$6.25 per sq. ft. or \$3,150

East/West Alley: \$2.25 per sq. ft. or \$3,375

Total \$6,525

There has been no appraisal of the right-of-way by City staff to date. It was understood by staff that Mr. Boyt had commissioned an appraisal of the right-of-way and that the appraisal would be made available to the City prior to the Council meeting of September 14th. However, on September 9th, the Right-of-way Division learned that the appraisal had not been completed.

4. How would the access needs of the other property owner be accommodated?

Mr. Boyt: Would provide limited easement for needed maintenance.

Mr. Paul: North/South Alley: Parking of cars would allow for space for access (14 ft. total width, including 4 ft. owned by Paul). Maintenance easements would be granted. East/West Alley: Maintenance easement would be provided. Also Boyt's dumpsters would be allowed to remain.

As discussed at the P&Z Commission hearing, a key issue is which proposed use of the alleyways provides greater benefit to the City. The P&Z Commission feels that Mr. Boyt's proposed use provides greater benefit to the City in that it supports a building and it is the building use which is "contributing" with respect to the Capitol Gateway East Plan. Mr. Paul's proposed use is in support of a use that, while allowed by current zoning and operated in a proper manner, does not add to the proposed revitalization of the area.

The additional issue raised since the P&Z meeting is the amount of money each party is willing to pay for the alleyway. Mr. Paul has indicated a willingness to pay twice the amount that Mr. Boyt would pay.

After consideration of all the issues, staff recommends that the alleyway be conveyed to Mr. Boyt subject to the restrictions recommended by the P&Z Commission. However, the City's Right-of-way Division shall be directed to establish the fair market value of the property, subject to the limitations, and offer to convey the property for that value. If Mr. Boyt is not willing to pay that established amount, then the alleys would be offered to Mr. Paul.

As an additional recommendation and in view of code violations with respect to residential usage which have been identified at the Boyt property, this conveyance should not take place unless Mr. Boyt has, within 90 days, received approval for a compliance plan by the Housing Appeals Board.

Attachment