



**Council
Communication**
Office of the City Manager

Date

March 20, 2006

Agenda Item No. 62
Roll Call No. 06-
Communication No. 06-163
Submitted by: Donald M. Tripp,
Parks and Recreation
Director Jeb E. Brewer, P.E.,
City Engineer

AGENDA HEADING:

Second consideration on the vacation and conveyance of multiple paper (non-constructed) street and alleys in the vicinity of Southwest 31st Street and Muskogee Avenue, along with the conveyance of ten City-owned parcels fronting such right-of-way to Barton A. Hicklin for \$20,000.00.

SYNOPSIS:

Recommend approval for the vacation and sale of such property to Barton A. Hicklin for \$20,000.00

FISCAL IMPACT:

Amount: \$20,000.00 (Revenue)

Funding Source: Proceeds from the sale will be deposited into the Property Maintenance Endowment Fund:

- 2005-2006 Operating Budget, Property Maintenance Endowment Fund, SP767 PKS1616625, Page 350.

ADDITIONAL INFORMATION:

On November 7, 2005, by Roll Call No. 05-2659, the City Council adopted a recommendation from the City Plan and Zoning Commission for vacation and conveyance of multiple paper (non-constructed) streets and alleys in the vicinity of SW 31st Street and Muskogee Avenue, subject to the following conditions:

- 1) Provision of easements for all existing utilities;
- 2) Purchase of all City-owned parcels fronting subject right-of-way; and
- 3) Prohibition of construction of structures or development of land in any way that would impact the floodplain or floodway.

The buyer will incorporate the subject property to existing owned property. Based upon concerns expressed by the City Council at the March 6, 2006 public hearing, it should be noted that the Quit Claim

Deed includes a stipulation that the Grantee shall erect no structure, building or other improvement over or within the property. In addition, the Grantee shall not develop the land in any way that would impact the floodplain or floodway. This stipulation shall run with the land and shall be binding upon the Grantees' successors and assigns. Any non-structural use of the property will be subject to zoning constraints of the U-1, Floodplain and FW, Floodway districts.

The property to be conveyed is approximately 456,659 square feet. Barton A. Hicklin, 3600 Water Works Parkway, Des Moines, Iowa 50312-5619, has submitted an offer to purchase in the amount of \$20,000.00 for the sale of the above referenced property with the noted stipulations, which is equal to the estimated Fair Market Value.

PREVIOUS COUNCIL ACTION(S):

Date: March 6, 2006

Roll Call Number: 06-457

Action: Closed the public hearing on the vacation and conveyance of multiple paper (non-constructed) streets and alleys in the vicinity of Southwest 31st Street and Muskogee Avenue, along with the conveyance of ten City-owned parcels fronting such right-of-way to Barton A. Hicklin for \$20,000.00.

BOARD/COMMISSION ACTION(S):

Date: October 20, 2005.

Roll Call Number: N/A.

Action: City Plan and Zoning Commission recommended approval of the vacation and conveyance subject to conditions.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE