



**Council
Communication**
Office of the City Manager

Date

April 24, 2006

Agenda Item No. 52
Roll Call No. 06-
Communication No. 06-223
Submitted by: Donald M. Tripp,
Park & Recreation Director, and
Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing for the vacation and conveyance of a permanent easement to Brownstones on Grand, L.L.C. for subsurface rights located in a one-foot strip of street right-of-way adjacent to the block encompassed by 2nd Avenue, Watson Powell, Jr. Parkway, 3rd Street and Grand Avenue for \$2,200.

SYNOPSIS:

Recommend approval for the vacation and conveyance of said permanent easement to Brownstones on Grand, L.L.C. for \$2,200.

FISCAL IMPACT:

Amount: \$2,200 (Revenue)

Funding Source: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767.

ADDITIONAL INFORMATION:

Brownstones on Grand, L.L.C. desires to install footings below the surface of portions of a one-foot strip of street right-of-way adjacent to the block encompassed by 2nd Avenue, Watson Powell, Jr. Parkway, 3rd Street and Grand Avenue for the construction of a new residential development consisting of five buildings containing 43 town homes.

Due to the minimal area and limited subsurface rights to be granted, the Community Development and Legal departments are recommending approval of this easement request without prior review by the City's Plan and Zoning Commission. The Engineering Department has determined that a one-foot easement around portions of this site for underground footings should not affect any current or future use of the street and sidewalk. The subsurface easement area to be conveyed is approximately 726 square feet.

Brownstones on Grand, L.L.C., an Iowa limited liability corporation, Hubbell Realty Company, Managing Member, (6900 Westown Parkway, West Des Moines, Iowa, 50266-2520, Rick J. Tollakson, President and Chief Executive Officer, and R. Michael Hayes, Secretary), has submitted an offer for

\$2,200.00 for the vacation and conveyance of the above referenced subsurface rights, which is equal to the City's estimated Fair Market Value.

PREVIOUS COUNCIL ACTION(S):

Date: April 10, 2006

Roll Call Number: 06-627

Action: Setting date of hearing on April 24, 2006 for vacation and conveyance of a permanent easement to Brownstones on Grand, L.L.C. for subsurface rights located in a one-foot strip of street right-of-way adjacent to block encompassed by 2nd Avenue, Watson Powell, Jr. Parkway, 3rd Street and Grand Avenue for \$2,200. Moved by Hensley to adopt. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S): NONE

Date:

Roll Call Number:

Action:

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE