



# Council Communication

Office of the City Manager

Date

August 21, 2006

Agenda Item No. 46  
Roll Call No. 06-  
Communication No. 06-537  
Submitted by: **Jeb E. Brewer, P.E.,**  
City Engineer

## AGENDA HEADING:

Hold Hearing on the vacation and conveyance of an encroachment easement and air rights adjoining 301 East Court Avenue to East Village Court, LLC for \$1,385 and on the vacation and conveyance of the north/south alley adjoining 301 East Court Avenue to East Village Court, LLC for \$5,800 and to Timothy J. Conroy and Polly Anton-Lyman for \$5,800.

## SYNOPSIS:

Recommend approval for the vacation and sale of such encroachment easement for existing front entrance steps, air rights for balconies and half of a segment of the north/south alley right-of-way for parking to East Village Court, LLC for \$7,185 and half of a segment of the north/south alley right-of-way to Timothy J. Conroy and Polly Anton-Lyman for \$5,800. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. There is no current or anticipated need for this property.

## FISCAL IMPACT:

Amount: \$12,985

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

## ADDITIONAL INFORMATION:

On March 20, 2006, by Roll Call No. 06-524, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey the air rights over the southern portion of East Court Avenue and the eastern portion of East 3<sup>rd</sup> Street adjoining the property at 301 East Court Avenue, and to vacate and convey a 16' by 66' segment of the adjoining north/south alley, subject to reservation of an easement for all existing utilities now in place, with the right-of-entry for servicing same.

In addition to the above, the existing steps to the entrance of the building at 301 East Court Avenue encroach into the right-of-way and the property owner has requested a permanent easement for said encroachment for the life of the building. The City's Traffic and Transportation Division has determined that the encroachment does not negatively affect the City's current or future planned use of the Court Avenue right-of-way adjoining the property.

East Village Court, LLC needs to purchase air rights adjoining their property at 301 East Court Avenue to allow for second floor balconies to overhang the public right-of-way. The air rights to be conveyed consist of approximately 1,845 square feet. They also require an easement for the encroachment of the

existing front entry steps on the north side of the building, consisting of approximately 84 square feet. The north/south alley will be purchased by both adjoining property owners and consists of approximately 1056 square feet.

East Village Court, LLC, an Iowa limited liability company, Thomas Howard, Registered Agent, 1130 SE Westbrooke Drive, Waukee, Iowa, 50263-8371, has submitted an offer to purchase in the amount of \$7,185, and Timothy J. Conroy and Polly Anton-Lyman have submitted an offer to purchase in the amount of \$5,800 for the sale of the above referenced property, which is equal to the estimated Fair Market Value.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: August 14, 2006

Roll Call Number: 06-1638

Action: Set the date of hearing for August 21, 2006, for the vacation and conveyance of an encroachment easement and air rights adjoining 301 East Court Avenue to East Village Court, LLC for \$1,385 and on the vacation and conveyance of the north/south alley adjoining 301 East Court Avenue to East Village Court, LLC for \$5,800 and to Timothy J. Conroy and Polly Anton-Lyman for \$5,800.

Date: March 20, 2006

Roll Call Number: 06-524

Action: [Regarding](#) request from ST Investments for vacation and conveyance of air rights over southern portion of East Court Avenue right-of-way adjoining 301 E. Court Avenue to allow for second floor balcony; and vacation and conveyance of segment of north/south alley adjoining 301 E. Court Avenue on the east, in the block bounded by E. Court Avenue, E. 3<sup>rd</sup> and E. 4<sup>th</sup> Streets. Moved by Brooks to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Date: March 20, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of air rights over the southern portion of East Court Avenue and the eastern portion of East 3<sup>rd</sup> Street adjoining property at 301 East Court Avenue, and vacation and conveyance of a 16' by 66' segment of the north/south alley lying east of 301 East Court Avenue.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**