



Council
Communication
Office of the City Manager

Date September 11, 2006

Agenda Item No. 63
Roll Call No. 06-
Communication No. 06-572
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hearing on the vacation and conveyance of an undeveloped 14-foot wide segment of Terrace Drive extending from 56th Street to a point 150 feet to the west to Michele D. Kleiber for \$150 and to Darwin D. and Shirley A. Munier for \$50.

SYNOPSIS:

Approval for the vacation and sale of such property to Michele D. Kleiber for \$150 and to Darwin D. and Shirley A. Munier for \$50. 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 public need for this property.

FISCAL IMPACT:

Amount: \$200

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

ADDITIONAL INFORMATION:

On June 5, 2006, by Roll Call No. 06-1093, the City Council adopted a recommendation from the City Plan and Zoning Commission that an undeveloped 14-foot wide segment of Terrace Drive extending from 56th Street to a point 150 feet to the west be vacated and sold, subject to the reservation of an easement for all existing utilities.

Some of the residents along the remaining portion of Terrace Drive appeared before the City Council on June 5, 2006 in opposition to the vacation. The right-of-way has historically been used as a pedestrian walkway providing access to Hanawalt Elementary School; however, it is not a part of the City's school route sidewalk system. The City Traffic and Transportation Division has indicated that reasonable alternative routes to the school exist and it is not necessary to maintain this right-of-way for public access.

The City Council directed that the property owners along the remaining portion of Terrace Drive be given notice throughout the vacation and conveyance process. On July 14, 2006, August 1, 2006, and August 17, 2006, the Real Estate Division mailed neighboring property owners a letter giving them the date, time, and location of the required public hearing for the sale of the subject property.

The property to be conveyed consists of approximately 2,100 square feet. Michele D. Kleiber, 122 56th Street, Des Moines, Iowa, 50312-2150, has submitted an offer for \$150, and Darwin D. and Shirley A.

Munier, 5614 Terrace Drive, Des Moines, Iowa, 50312-1554, have submitted an offer for \$50, for the sale of the above referenced street right-of-way adjoining their properties, which is equal to the Fair Market Value. Michele D. Kleiber will incorporate the property into existing owned residential property for the purpose of building a garage and paving her driveway, which is currently located within the existing Terrace Drive right-of-way. Darwin D. and Shirley A. Munier will use the property to expand their residential yard.

PREVIOUS COUNCIL ACTION(S):

Date: August 7, 2006

Roll Call Number: 06-1570

Action: [On](#) vacation and conveyance of an undeveloped segment of Terrace Drive, adjoining 122-56th Street, to Michele D. Kleiber, \$150, and to Darwin D. and Shirley A. Munier, \$50, (9-11-06). Moved by Vlassis to adopt. Motion Carried 6-1.

Date: June 5, 2006

Roll Call Number: 06-1093

Action: [Regarding](#) request from Michelle Kleiber for vacation and conveyance of an undeveloped 14-foot-wide segment of Terrace Drive extending from 56th Street to a point 150 feet to the west, subject to the reservation of an easement for all existing utilities. Moved by Hensley to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S):

Date: June 5, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of an undeveloped 14 foot wide segment of Terrace Drive extending from 56th Street to a point 150 feet to the West, subject to the reservation of an easement for all existing utilities.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE