



Council
Communication
Office of the City Manager

Date

September 25, 2006

Agenda Item No. 52
Roll Call No. 06-
Communication No. 06-615
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of the north 25 feet of Army Post Road between SW 5th Street and SW 6th Street to Thomas J. and Lois L. Akers for \$1,200.

SYNOPSIS:

Recommend approval for the vacation and sale of such property to Thomas J. and Lois L. Akers for \$1,200. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

FISCAL IMPACT:

Amount: \$1,200 (sale proceeds)

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

ADDITIONAL INFORMATION:

On July 8, 2002, by Roll Call 02-1682, the City Council adopted a recommendation from the City Plan and Zoning Commission that the north 40 feet of Army Post Road right-of-way between SW 5th Street and SW 6th Street be vacated and sold, subject to reservation of necessary easements for utilities.

It was later determined by Traffic and Transportation that this parcel might be needed for a future widening and slope adjustment project as early as 2008. The buyer needs a portion of this property to meet zoning requirements for a planned senior living housing project. It was later determined by the City Engineer that only the north 25 feet could be vacated and sold due to the future widening needs of Army Post Road, subject to the following restrictions:

- 1) No-Build Restriction
- 2) 10-Year Temporary Construction Easement for the future widening needs of Army Post Road and for construction of a storm sewer.
- 3) Permanent Easement for Storm Sewer Right-of-Way across the south 10 feet.
- 4) The City has the option to buy back the property at the same purchase price for 20 years, if it is needed for any additional widening needs of Army Post Road.

The property to be conveyed consists of approximately 11,520 square feet. Thomas J. and Lois L. Akers, 129 Marlou Parkway, Des Moines, Iowa, 50320, have submitted an offer for the above referenced street

right-of-way for \$1,200, which is equal to the estimated Fair Market Value. The buyer will incorporate this property to existing owned property for development of a planned senior housing tax credit project. Due to the size, shape and restrictions on future use, this property cannot be developed as a stand-alone site and therefore, the sale of this property is not subject to buyer's receipt of tax credits and the buyer's use of the property will not be limited to a senior housing project.

PREVIOUS COUNCIL ACTION(S):

Date: September 11, 2006

Roll Call Number: 06-1765

Action: On vacation and conveyance of the north 25 feet of Army Post Rd. between SW 5th and SW 6th Streets to Thomas J. and Lois L. Akers, (9-25-06). Moved by Vlassis to adopt. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Date: June 20, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of the north 40 feet of Army Post Road between SW 5th Street and SW 6th Street, subject to reservation of necessary easements for utilities.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE