



Council Communication

Office of the City Manager

Date

September 25, 2006

Agenda Item No. 53
Roll Call No. 06-
Communication No. 06-616
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of a dead-end segment of Hawthorne Street right-of-way south of Indianola Road to Dale C. Hyman for \$200 and to Charles R. and Patricia J. Punelli for \$450.

SYNOPSIS:

Approval of the vacation and sale of a dead-end segment of Hawthorne Street right-of-way south of Indianola Road to Dale C. Hyman for \$200 and to Charles R. and Patricia J. Punelli for \$450. 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: \$650 (sale proceeds)

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

ADDITIONAL INFORMATION:

On May 8, 2006, by Roll Call No. 06-883, the City Council adopted a recommendation from the City Plan and Zoning Commission that a dead-end segment of Hawthorne Street south of Indianola Road be vacated and sold, subject to the following conditions:

- 1) Reservation of an easement for all existing utilities now in place, with right-of-entry for servicing them.
- 2) The property owners reaching a mutually acceptable agreement for preserving access to the property at 1945 Hawthorne Street owned by Dale C. Hyman.

On July 21, 2006, Dale C. Hyman and Charles R. and Patricia J. Punelli signed an agreement whereby they will build a shared driveway on the east half of Hawthorne Street extending south from Indianola Road. This satisfies the requirement for preserving access to the property at 1945 Hawthorne Street. This agreement will be recorded after the conveyance of the subject right-of-way is approved and closed.

The property to be conveyed consists of approximately 15,500 square feet. Dale C. Hyman, 300 Walnut Street, Unit 100, Des Moines, Iowa, 50309-2513, has submitted an offer of \$200 for approximately 5,000 square feet of the above referenced street right-of-way, and Charles R. and Patricia J. Punelli, 1957

Courtland Drive, Des Moines, Iowa, 50315, have submitted an offer of \$450 for approximately 10,500 square feet. Both offers are equal to the Fair Market Value.

The Buyers will incorporate this property to existing owned residential property for the purpose of constructing a shared driveway. Joseph and Eleanor Vivone, the only other adjoining property owner at 206 Indianola Avenue, have provided written consent for the sale of their portion of the right-of-way to Charles R. and Patricia J. Punelli.

PREVIOUS COUNCIL ACTION(S):

Date: September 11, 2006

Roll Call Number: 06-1766

Action: Set the date of public hearing for September 25, 2006, for the vacation and conveyance of a dead-end segment of Hawthorne Street right-of-way south of Indianola Road to Dale C. Hyman for \$200 and to Charles J. and Patricia R. Punelli for \$450.

BOARD/COMMISSION ACTION(S):

Date: May 8, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of a dead-end segment of Hawthorne Street right-of-way south of Indianola Road, subject to reservation of an easement for all existing utilities, and subject to an agreement preserving access to the property at 1945 Hawthorne Street.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE