



**Council  
Communication**  
Office of the City Manager

**Date**

October 9, 2006

**Agenda Item No.** 60  
**Roll Call No.** 06-  
**Communication No.** 06-635  
**Submitted by:** **Jeb E. Brewer, P.E.,**  
**City Engineer**

**AGENDA HEADING:**

Hearing on the vacation and conveyance of a dead-end segment of NE 47<sup>th</sup> Court right-of-way, located south of NE Hubbell Road, to Hubbell Properties II, L.C. (Series H) for \$700.

**SYNOPSIS:**

Recommend approval for vacation and sale of such property to Hubbell Properties II, L.C. (Series H), Dan D. Dutcher, Vice President and R. Michael Hayes, Secretary, 6900 Westown Parkway, West Des Moines, Iowa, 50266-2520, for \$700. 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: \$700

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

**ADDITIONAL INFORMATION:**

On September 11, 2006, by Roll Call No. 06-1763, the City Council adopted a recommendation from the City Plan and Zoning Commission that a dead-end segment of NE 47<sup>th</sup> Court, located south of NE Hubbell Road, be vacated and sold, subject to the following conditions:

- 1) Provision of easements for any existing utilities.
- 2) Administrative approval of a minor amendment to the Summersfield PUD Concept Plan to allow inclusion of the right-of-way with the six adjoining lots to the east.

The property to be conveyed consists of approximately 12,694 square feet. Hubbell Properties II, L.C. (Series H), has submitted an offer of \$700 for the above referenced street right-of-way, which is equal to the Fair Market Value. The Buyer will incorporate this property into existing owned residential property for the purpose of replatting the land as the Summersfield residential development.

This area was never developed into a street or other right-of-way and has never had any utilities located in it. The Buyer will supply the City with an affidavit from Engineering Resource Group, Inc. (the civil engineer and surveyor on this project), which will verify that there are no utilities in the property being conveyed. This will satisfy the requirement to provide easements for any existing utilities.

**PREVIOUS COUNCIL ACTION(S):**

Date: September 25, 2006

Roll Call Number: 06-1870

Action: [On](#) vacation and conveyance of dead-end segment of N.E. 47<sup>th</sup> Court, south of NE Hubbell to Hubbell Properties II, LC, \$700, (10-9-06). Moved by Vlassis to adopt. Motion Carried 6-0.

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

Date: September 11, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of a dead-end segment of NE 47<sup>th</sup> Court right-of-way located south of NE Hubbell Road to Hubbell Properties II, L.C. (Series H) for \$700, subject to provision of easements for any existing utilities, and administrative approval of a minor amendment to the Summersfield PUD Concept Plan to allow inclusion of the right-of-way with the six adjoining lots to the east.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**