



**Council**  
**Communication**  
Office of the City Manager

<b>Date</b>	October 23, 2006
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<b>Agenda Item No.</b>	<b>49</b>
<b>Roll Call No.</b>	<b><u>06-</u></b>
<b>Communication No.</b>	<b><u>06-670</u></b>
<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing on the vacation and conveyance of Maple Street between East 20<sup>th</sup> Court and the Union Pacific Railroad to Dennis A. Murray for \$1,290 and to Prism Realty, L.L.C. for \$1,290.

**SYNOPSIS:**

Recommend approval for the vacation and sale of such property to Dennis A. Murray, 2001 Hubbell Avenue, Des Moines, Iowa, 50317, for \$1,290 and to Prism Realty, L.L.C., an Iowa limited liability company, Eric Peterson, Manager, 2000 Des Moines Street, Des Moines, Iowa, 50317, for \$1,290. 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: \$2,580 (Proceeds)

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

**ADDITIONAL INFORMATION:**

On June 5, 2006, by Roll Call No. 06-1094, the City Council adopted a recommendation from the City Plan and Zoning Commission that Maple Street between East 20<sup>th</sup> Court and the Union Pacific Railroad be vacated and sold, subject to the following conditions:

- 1) Reservation of an easement for all existing utilities now in place with the right-of-entry for servicing same.
- 2) Provision of an access easement to provide access to adjoining parcels, unless waived by the owners of such parcels.

Adjoining property owners Dennis A. Murray and Prism Realty, L.L.C. have signed waivers stating that they do not wish to have an access easement. This satisfies the above referenced condition for an access easement to provide access to adjoining parcels.

The property to be conveyed consists of approximately 4,260 square feet. Dennis A. Murray has submitted an offer of \$1,290 for the north half of the above referenced street right-of-way, and Prism Realty, L.L.C. has submitted an offer of \$1,290 for the south half of the above referenced right-of-way, which is equal to the estimated Fair Market Value. Dennis A. Murray will use the property to expand his vehicle display lot, and Prism Realty, L.L.C. will use the property to add parking.

**PREVIOUS COUNCIL ACTION(S):**

Date: October 9, 2006

Roll Call Number: 06-1973

Action: Set the date of public hearing for October 23, 2006, for the vacation and conveyance of Maple Street between East 20<sup>th</sup> Court and the Union Pacific Railroad to Dennis A. Murray for \$1,290 and to Prism Realty, L.L.C. for \$1,290. Moved by Vlassis to adopt. Motion Carried 6-0.

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

Date: May 18, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of Maple Street between East 20<sup>th</sup> Court and the Union Pacific Railroad, subject to reservation of an easement for all existing utilities, and subject to an access easement to provide access to adjoining parcels, unless waived by the owner of such parcels.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**