



Council Communication

Office of the City Manager

Date

October 23, 2006

Agenda Item No. 50
Roll Call No. 06-
Communication No. 06-671
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of a portion of Maryland Pike right-of-way located in the vicinity of 2300 Beaver Avenue to 2300 Beaver, L.L.C. for \$1,000 and to Mark E. and Karen E. Barkley for \$100.

SYNOPSIS:

Recommend approval for vacation and sale of such property to 2300 Beaver, L.L.C., an Iowa limited liability company, (Nathan MacPherson, Manager, 4107 Forest Avenue, Des Moines, Iowa, 50311-2538), for \$1,000 and to Mark E. and Karen E. Barkley, 4116 Maryland Pike, Des Moines, Iowa, 50310-3431, for \$100. 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: \$1,100 (revenues)

Funding Source: 2006-07 Operating Budget, Page 310, Property Maintenance Endowment Fund, SP767 PKS161625.

ADDITIONAL INFORMATION:

On September 11, 2006, by Roll Call No. 06-1761, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of the Maryland Pike right-of-way adjoining 4116 Maryland Pike be vacated and sold to Mark Barkley, subject to reservation of an easement for all existing utilities now in place with right-of-entry for servicing same.

Also, on September 11, 2006, by Roll Call No. 06-1762, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of the Maryland Pike right-of-way adjoining 2300 Beaver Avenue be vacated and sold to 2300 Beaver, L. L. C., subject to reservation of an easement for all existing utilities now in place with right-of-entry for servicing same.

2300 Beaver, L.L.C., has submitted an offer of \$1,000 for approximately 2,641 square feet of the above referenced right-of-way. While the offer is below the original estimate of fair market value, it is the only offer received to date and is reasonable considering the use restrictions and sanitary sewer located on the property. 2300 Beaver, L.L.C. will add this property to existing owned property developed with a multi-family dwelling for added off-street parking. The off-street parking will benefit the nearby owners by freeing up on-street parking.

Mark E. and Karen E. Barkley have submitted an offer for \$100 for approximately 615 square feet of the above referenced right-of-way, which is equal to the estimated fair market value. Mark E. and Karen E. Barkley will use the property to expand their residential yard.

PREVIOUS COUNCIL ACTION(S):

Date: October 9, 2006

Roll Call Number: 06-1974

Action: Set the date of public hearing for October 23, 2006, for the vacation and conveyance of a portion of Maryland Pike right-of-way located in the vicinity of 2300 Beaver Avenue to 2300 Beaver, L.L.C. for \$1,000 and to Mark E. and Karen E. Barkley for \$100.

Date: September 11, 2006

Roll Call Number: 06-1761 and 06-1762

Action: Regarding requests from the following for vacation and conveyance of an irregular segment of adjoining Maryland Pike right-of-way south of the traveled portion of the street, subject to conditions:

- (A) [Mark](#) Barkley. Moved by Vlassis to receive and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.
- (B) [2300](#) Beaver LLC. Moved by Vlassis to receive and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Date: August 17, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of Maryland Pike right-of-way adjoining 2300 Beaver Avenue and 4116 Maryland Pike, subject to reservation of an easement for all existing utilities now in place with the right-of-entry for servicing same.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE