



# Council Communication

Office of the City Manager

<b>Date</b>	December 4, 2006
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<b>Agenda Item No.</b>	<b>48</b>
<b>Roll Call No.</b>	<b><u>06-</u></b>
<b>Communication No.</b>	<b><u>06-755</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 a segment of the North/South alley extending south from East University Avenue between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street to Michael L. Kinter for \$2,385.

## SYNOPSIS:

Recommend approval for the vacation and conveyance of such property to Michael L. Kinter, 913 East 27<sup>th</sup> Street, Des Moines, Iowa, 50317, for \$2,385. 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: \$2,385 (Revenue)

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

## ADDITIONAL INFORMATION:

On October 23, 2006, by Roll Call No. 06-2086, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of the North/South alley extending south from East University Avenue, between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street, be vacated and sold to the adjoining property owner, subject to the following conditions:

- 1) Only that part of the alley lying north of the south line of Lot 55 should be vacated.
- 2) Reservation of an easement for all existing utilities now in place, with the right-of-entry for servicing the same.
- 3) Provision of a public ingress/egress easement across the applicant's property for vehicular travel to and/or from East 23<sup>rd</sup> Court, or for a proper turnaround within the applicant's property.
- 4) Provision of a fence to buffer the adjoining property (per Municipal Code).

The purchase of this property will allow the adjoining property owner, Michael L. Kinter, to assemble the vacated alley right-of-way with additional owned commercial property for redevelopment of the site with a commercial center. Michael L. Kinter has submitted an offer of \$2,385 to purchase the above referenced property, consisting of approximately 1,907 square feet, which is equal to the estimated Fair Market Value.

**PREVIOUS COUNCIL ACTION(S):**

Date: November 20, 2006

Roll Call Number: 06-2295

Action: [On](#) vacation and conveyance of a segment of the north/south alley extending south from East University Avenue between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street to Michael L. Kinter, \$2,385, (12-04-06). Moved by Coleman to adopt. Motion Carried 6-0.

Date: October 23, 2006

Roll Call Number: 06-2086

Action: [Regarding](#) request from Mike Kinter, owner of 923 E. 23<sup>rd</sup> Court, for vacation and conveyance of the north/south alley right-of-way between E. 23<sup>rd</sup> Court and E. 24<sup>th</sup> Street extending 161.23 feet south from E. University Avenue, subject to conditions. Moved by Hensley 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: October 5, 2006

Roll Call Number: City Plan & Zoning Commission

Action: Approved request for vacation and conveyance of a segment of the North/South alley extending south from East University Avenue between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street, subject to only that part of the alley lying north of the south line of Lot 55 being vacated, reservation of an easement for all existing utilities now in place with the right-of-entry for servicing same, provision of a public ingress/egress easement across the applicant's property for vehicular travel to/from East 23<sup>rd</sup> Court, or for a proper turnaround within the applicant's property, and provision of a fence to buffer the adjoining residential property (per Code).

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**