



**Council  
Communication**  
Office of the City Manager

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| <b>Date</b> | December 4, 2006 |
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| <b>Agenda Item No.</b>   | <b>51</b>                                     |
| <b>Roll Call No.</b>     | <b><u>06-</u></b>                             |
| <b>Communication No.</b> | <b><u>06-758</u></b>                          |
| <b>Submitted by:</b>     | <b>Jeb E. Brewer, P.E.,<br/>City Engineer</b> |

**AGENDA HEADING:**

Hold Hearing to Amend the Legal Description for a Permanent Easement for Encroachment Adjoining 301 East Court Avenue Previously Granted to East Village Court, L.L.C. for \$370.

**SYNOPSIS:**

Recommend approval to amend the legal description for the vacation and sale of the encroachment easement to East Village Court, L.L.C., an Iowa limited liability company (Thomas Howard, Registered Agent, 1130 SE Westbrooke Drive, Waukee, Iowa, 50263-8371) for \$370. 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 need for this property.

**FISCAL IMPACT:**

Amount: \$370

Funding Source: 2006-07 Operating Budget, Page 310, Property Maintenance, SP767 PKS16125

**ADDITIONAL INFORMATION:**

On March 20, 2006, by Roll Call No. 06-524, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey a permanent encroachment easement for the entrance steps to the building at 301 East Court Avenue.

On August 21, 2006, by Roll Call No. 06-1694, after notice and public hearing, the City Council approved the vacation and conveyance of an Encroachment Easement adjoining 301 East Court Avenue to East Village Court, L.L.C. for \$370.

Due to a site plan design change, East Village Court, L.L.C. has requested that the legal description for the encroachment easement be amended. The easement will still be approximately 60 square feet, but it will shift two feet to the east. The City's Traffic and Transportation Division has determined that the encroachment area does not negatively affect the City's current or future planned use of the Court Avenue right-of-way adjoining the property. This action amends the description to be consistent with the site plan.

**PREVIOUS COUNCIL ACTION(S):**

Date: November 20, 2006

Roll Call Number: 06-2298

Action: [To](#) amend the legal description for a permanent easement for encroachment adjoining 301 East Court Avenue previously granted to East Village Court, L.L.C., \$370, (12-04-06). Moved by Coleman to adopt. Motion Carried 6-0.

Date: August 21, 2006

Roll Call Number: 06-1694

Action: [On](#) vacation and conveyance of encroachment easement and air rights adjoining 301 East Court Avenue to East Village Court, LLC, \$1,385 and vacation and conveyance of the north/south alley adjoining 301 East Court Avenue to East Village Court, LLC, \$5,800 and to Timothy J. Conroy and Polly Anton-Lyman, \$5,800. ([Council Communication No. 06-537](#)) Moved by Kiernan to adopt. Motion Carried 5-1.

Date: March 20, 2006

Roll Call Number: 06-524

Action: [Regarding](#) request from ST Investments for vacation and conveyance of air rights over southern portion of East Court Avenue right-of-way adjoining 301 E. Court Avenue to allow for second floor balcony; and vacation and conveyance of segment of north/south alley adjoining 301 E. Court Avenue on the east, in the block bounded by E. Court Avenue, E. 3<sup>rd</sup> and E. 4<sup>th</sup> Streets. Moved by Brooks to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 7-0.

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

Date: March 2, 2006

Roll Call Number: City Plan & Zoning Commission

Action: Approved request for vacation and conveyance of a permanent encroachment easement for the entrance steps to the building at 301 East Court Avenue.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**