



Council Communication

Office of the City Manager

Date

January 8, 2007

Agenda Item No. 49
Roll Call No. 07-
Communication No. 07-004
Submitted by: Jeb E. Brewer, P.E.,
City Engineer

AGENDA HEADING:

Hold hearing for the conveyance of excess City-owned property acquired for the Martin Luther King, Jr. Parkway Project and vacation and conveyance of segments of 19th Street Place and Crocker Street rights-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett for \$25,000.

SYNOPSIS:

Recommend approval for the vacation and conveyance of such property to Monte and Krista Bennett, 122 Sunset Drive, Otley, Iowa, 50214, for \$25,000. 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: \$25,000 (Revenue)

Funding Source: \$22,000 of the funds will be deposited into the Federal Title 23 Deposit Account (Fund: CP038, Org: ENG990000, Project: STR500) and \$3,000 will be deposited into the 2006-07 Operating Budget, Page 310, Property Maintenance, SP767

ADDITIONAL INFORMATION:

On June 5, 2006, by Roll Call No. 06-1091, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of 19th Street Place between Cottage Grove Avenue and Crocker Street be vacated and sold, along with an adjoining excess parcel acquired for the Martin Luther King, Jr. Parkway project, subject to the following conditions:

- 1) The Historic Preservation Commission must review and issue a Certificate of Appropriateness for the entire proposed site, including the planned existing structure at 1912 Cottage Grove Avenue and the future parking lot on the adjoining land prior to conveyance.
- 2) Reservation of an easement for all existing utilities now in place, with right-of-entry for servicing the same.
- 3) The future construction of an off-street parking lot on the conveyed land and reuse of the adjoining structure at 1912 Cottage Grove Avenue shall be subject to review and approval by the City Plan and Zoning Commission of a site plan under the design guidelines applicable to the "NPC" District (Section 82-214 of the Des Moines Municipal Code).
- 4) The future site plan shall provide landscaping in accordance with the standards applicable to "C-2" District, unless a higher standard is applicable under the controlling regulations.

On August 7, 2006, by Roll Call No. 06-1569, the City Council adopted a recommendation from the City Plan and Zoning Commission that the north seven feet of Crocker Street right-of-way adjoining the building at 1912 Cottage Grove Avenue be vacated and sold, subject to the following conditions.

- 1) Issuance of a Certificate of Appropriateness for the redevelopment of the adjoining site and subject right-of-way by the Historic Preservation Commission.
- 2) Reservation of an easement for all existing utilities now in place, with the right-of-entry for servicing the same.
- 3) Review and approval by the City's Traffic and Transportation Division.

The purchase of this property will allow the adjoining property owners, Monte and Krista Bennett, to incorporate the vacated street rights-of-way and excess City-owned property with existing owned commercial property for redevelopment of the former Planned Parenthood Book Drop Property into a coffee shop known as Smokey Row.

Monte and Krista Bennett have submitted an offer of \$25,000 to purchase the above referenced property, consisting of approximately 9,680 square feet, which is equal to a restricted use fair market value for portions of the property to be conveyed. \$2,300 of the purchase price will be applied to the 19th Street Place right-of-way, which consists of approximately 5,286 square feet and is subject to a no-build restriction. The no-build restriction can be released upon payment of an additional \$26,000 which represents the balance of an unrestricted use fair market value. \$700 of the purchase price will be applied to the Crocker Street right-of-way, consisting of approximately 501 square feet, and is subject to a permanent easement for continued public access. The Crocker Street right-of-way is needed by the buyer to construct a handicap accessible entrance to their building.

The excess Martin Luther King, Jr. Parkway property was originally purchased as part of a larger parcel acquisition. This property was never dedicated as street right-of-way and it does not need to be vacated. \$22,000 of the purchase price will be applied to this excess property, consisting of approximately 3,893 square feet, which is equal to an unrestricted use fair market value. The sale proceeds applied to this property will be deposited into the City's Fed Title 23 account, in order to comply with federally funded property disposition requirements.

PREVIOUS COUNCIL ACTION(S):

Date: December 18, 2006

Roll Call Number: [06-2465](#)

Action: On conveyance of excess City-owned property acquired for the Martin Luther King, Jr. Parkway Project and vacation and conveyance of segments of 19th Street Place and Crocker Street rights-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett, \$25,000, (1-08-07). Moved by Vlassis to adopt. Motion Carried 6-0.

Date: August 7, 2006

Roll Call Number: [06-1569](#)

Action: Regarding request from Monte and Krista Bennett for vacation and conveyance of the north 7' of Crocker Street right-of-way adjoining 1912 Cottage Grove Avenue, subject to conditions. 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 6-1.

Date: June 5, 2006

Roll Call Number: [06-1091](#)

Action: Regarding request from Monte and Krista Bennett for vacation and conveyance of a segment of 19th Place between Cottage Grove Avenue and Crocker Street along with adjoining excess parcels from Martin Luther King, Jr. Parkway, subject to conditions. Moved by Kiernan to receive and file, and to refer to the City Manager for further processing in accordance with standard City Property disposition procedures. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S):

Date: July 20, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of the north seven feet of Crocker Street right-of-way adjoining building at 1912 Cottage Grove Avenue, subject to issuance of a Certificate of Appropriateness for the redevelopment of the adjoining site and subject right-of-way by the Historic Preservation Commission prior to conveyance; provision of easements for all existing utilities; and review and approval by the Traffic and Transportation Division.

Date: May 18, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of a segment of 19th Street Place between Cottage Grove Avenue and Crocker Street, along with an adjoining excess parcel acquired for the Martin Luther King, Jr. Parkway Project, subject to the following: The Historic Preservation Commission must review and issue a Certificate of Appropriateness for the entire proposed site, including the existing structure at 1912 Cottage Grove Avenue and the future parking lot on the adjoining land; easements for all existing utilities; future construction of an off-street parking lot on the requested land and reuse of the adjoining structure shall be subject to review and approval of a site plan under design guidelines applicable to the "NPC" District (Section 82-214) by the Plan and Zoning Commission; and future site plan shall provide landscaping in accordance with the standards applicable to the "C-2" District.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE