



Council Communication

Office of the City Manager

Date February 26, 2007

Agenda Item No. 53
Roll Call No. 07-
Communication No. 07-100
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of the North/South alley between East 9th Street and Wright Street, extending from East Hull Avenue to East Tiffin Avenue, to adjoining property owners for \$4,650.

SYNOPSIS:

Recommend approval for the vacation and conveyance of such property to the adjoining property owners. 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: \$4,650 (Revenue)

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

ADDITIONAL INFORMATION:

On July 24, 2006, by Roll Call No. 06-1450, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North/South alley between East 9th Street and Wright Street, extending from East Hull Avenue to East Tiffin Avenue, be vacated and sold to the adjoining property owners, subject to reservation of an easement for all existing utilities now in place with the right-of-entry for servicing same, and vacation of the southern portion of the alley only after the property owners have time to discuss an easement arrangement.

The purchase of the northern portion of this property will allow the adjoining residential property owners to assemble the vacated alley right-of-way with additional owned property for back yard expansion. The residential portion of the alley consists of approximately 6,300 square feet and the following have submitted an offer for \$50 each to purchase their portion of the alley:

- 1) Rick R. and Stacey M. Brown, 3015 Wright Street, Des Moines, IA 50316-1129
- 2) James L. and Marjorie M. Thompson, 3016 East 9th Street, Des Moines, IA 50316-1402
- 3) Gary R. and Belinda C. Whitmer, 3023 Wright Street, Des Moines, IA 50311-1129
- 4) Anthony E. and Jasonna M. Oliver, 3100 East 9th Street, Des Moines, IA 50316
- 5) Ryan and Karen West, 3104 East 9th Street, Des Moines, IA 50316-1404
- 6) Donald D. Baney, 3108 East 9th Street, Des Moines, IA 50316-1404
- 7) Bryan J. and Kristina Hall, 3112 East 9th Street, Des Moines, IA 50316-1404
- 8) Gene and Carol K. Crouse, 3116 East 9th Street, Des Moines, IA 50316-1404

9) Eileen M. Koster, 3120 East 9th Street, Des Moines, IA 50316-1404 (\$50)

The southern portion of the alley adjoins commercial zoned property, and consists of approximately 2,100 square feet. Thomas Van Nguyen has submitted an offer of \$4,200 for this portion of the alley, which is equal to the estimated Fair Market Value. He will assemble it to commercial property he owns on both sides of the alley for parking lot expansion.

Notice of the hearing on the vacation and sale of the above property to Thomas Van Nguyen was sent by certified mail to Steven C. Peglow, 830 Hull Avenue, Des Moines, Iowa, 50316-1169. Mr. Peglow does not adjoin the public alley, but claims to have the right to access the alley by use of the intervening property owned by Thomas Van Nguyen. Mr. Peglow was specifically informed at the Plan and Zoning meeting that he needed to establish his right to use the alley by presenting a recorded easement, or initiating a civil claim in district court; and that unless he can demonstrate a right to access the alley by use of Mr. Nguyen's property, the City will vacate and sell the adjoining segment to Mr. Nguyen. As of February 16, 2007, Mr. Peglow has not presented a recorded easement or court action to City Staff.

PREVIOUS COUNCIL ACTION(S):

Date: February 7, 2007

Roll Call Number: 07-245

Action: On vacation and conveyance of the north/south alley between E. 9th and Wright Street, extending from E. Hull Avenue to E. Tiffin Avenue, to adjoining property owners, \$4,650, (2-26-07). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: July 24, 2006

Roll Call Number: 06-1450

Action: Regarding request from Rick and Stacy Brown, 3015 Wright Street, for vacation and conveyance of north/south alley between Wright Street and E. 9th Street from E. Hull Avenue to E. Tiffin 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 7-0.

BOARD/COMMISSION ACTION(S):

Date: July 6, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of the North/South alley between East 9th Street and Wright Street, extending from East Hull Avenue to East Tiffin Avenue, subject to reservation of an easement for all existing utilities now in place with the right-of-entry for servicing same, and vacation of the southern portion of the alley only after the property owners have time to discuss an easement arrangement.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE