



Council
Communication
Office of the City Manager

Date

March 26, 2007

Agenda Item No. 46
Roll Call No. 07-
Communication No. 07-152
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of the west 16.5 feet of South Union Street adjoining 5 Park Avenue to John Eidbo and Paul Eidbo in exchange for easements needed for the Crawford Creek Watershed Improvement Project.

SYNOPSIS:

Recommend approval for vacation and conveyance of such property to John Eric Eidbo and Paul Howard Eidbo, 3201 Wauwatosia Drive, Des Moines, Iowa, 50321-2610, in exchange for easements needed for the Crawford Creek Watershed Improvement Project. This action is required by Iowa law prior to making a final determination on the proposed conveyance by resolution. There is no current or anticipated public need for this property.

FISCAL IMPACT:

Amount: \$1,420 (\$2,660 Acquisition Cost Minus \$1,240 Revenue)

Funding Source: 2007/2008 CIP, Storm Water Improvements – Page 7, STE074.

ADDITIONAL INFORMATION:

On October 10, 2005, by Roll Call 05-2433, the City Council approved acquisition of property for the Crawford Creek Watershed Improvement Project. John and Paul Eidbo are the owners of a vacant lot at 5 Park Avenue, which is affected by this project. The project requires a 30-foot wide permanent storm sewer easement on the western portion of the property and a temporary construction easement on the entire vacant lot. The acquisition of a permanent easement on this vacant lot reduces its buildable area, which creates a severance damage to the remaining land. In an effort to minimize the severance damage, City staff has negotiated a settlement that includes the conveyance of 16.5 feet of excess South Union Street right-of-way. This conveyance of excess right-of-way will maintain the developability of the remaining property once the easement and storm sewer are in place.

The street right-of-way consists of approximately 1,980 square feet, and the City's Real Estate Division has determined the fair market value to be \$1,240. The estimated fair market value for the permanent and temporary easements is \$2,660, so the property owners will be compensated for the difference of these values in the amount of \$1,420. The net compensation due to the property owner will be paid out of the Crawford Creek Watershed Improvements account listed above.

On February 26, 2007, by Roll Call 07-343, the City Council adopted a recommendation from the City Plan and Zoning Commission that the west 16.5 feet of South Union Street adjoining 5 Park Avenue be vacated and conveyed to John Eidbo and Paul Eidbo, subject to the retention of all necessary easements for utilities in place. There are no known utilities within the subject right-of-way, except for a gas line.

PREVIOUS COUNCIL ACTION(S):

Date: March 12, 2007

Roll Call Number: 07-453

Action: On vacation and conveyance of the west 16.5 feet of South Union Street adjoining 5 Park Avenue to John Eidbo and Paul Eidbo in exchange for easements needed for Crawford Creek Watershed Improvement Project, (3-26-07). Moved by Mahaffey to adopt. Motion Carried 6-1.

Date: February 26, 2007

Roll Call Number: 07-343

Action: Regarding request from City Engineer for vacation and conveyance of west 16.5 feet of South Union Street, east of and adjoining 5 Park 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 6-1.

Date: October 10, 2005

Roll Call Number: 05-2433

Action: Authorization to acquire property for the Crawford Creek Watershed Improvement Project-Kirkwood Storm Sewer Phase and SE 6th Street to Indianola Avenue Box Culvert Replacement Phase. Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: February 15, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Recommended approval of request for vacation and conveyance of the west 16.5 feet of South Union Street adjoining 5 Park Avenue, subject to the retention of all necessary easements for utilities in place.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE