



Council
Communication
Office of the City Manager

Date	April 23, 2007
-------------	----------------

Agenda Item No.	58
Roll Call No.	07-
Communication No.	07-224
Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing on the vacation and conveyance of the North 25 feet of Army Post Road right-of-way adjoining 6304 SW 7th Street to Touch and Go, LLC for \$3,500.

SYNOPSIS:

Approval for the vacation and sale of such property to Touch and Go, LLC, Steve Davis, President, 10101 University Avenue, Suite 203, Clive, Iowa, 50325-6441, for \$3,500. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. There is no current public need for this property; however, there are plans for the future widening of Army Post Road. Therefore, the City will reserve a 10-year temporary easement for construction on the property, with the stipulation that the buyer will be responsible to replace any landscaping damaged by the City during construction.

FISCAL IMPACT:

Amount: \$3,500 (Revenue)

Funding Source: 2007-08 Operating Budget, Page 255, Property Maintenance, SP767

ADDITIONAL INFORMATION:

On February 12, 2007, by Roll Call No. 07-230, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey the North 25 feet of Army Post Road right-of-way adjoining 6304 SW 7th Street, subject to the following conditions:

- 1) Only the north 25 feet of the adjoining Army Post Road right-of-way shall be vacated.
- 2) Reservation of easements for all utilities in place.
- 3) The property shall have no right of vehicular access from Army Post Road.

After further review by Traffic and Transportation, the City has determined that vehicular access from Army Post Road will be allowed over the West 11 feet of the property being conveyed for use as a shared driveway with adjoining commercial properties. The City will also reserve a 10-year temporary easement for construction for the potential future widening of Army Post Road, with the stipulation that the buyer will be responsible to replace any landscaping damaged by the City during construction.

The property at 6304 SW 7th Street is being purchased by Touch and Go, LLC from Northern Warren Fire and Emergency Response Agency. The buyer needs this added property to meet zoning requirements for a planned car wash project.

The property to be conveyed consists of approximately 5,018 square feet. Touch and Go, LLC has submitted an offer for the above referenced street right-of-way for \$3,500, which is equal to the estimated Fair Market Value.

PREVIOUS COUNCIL ACTION(S):

Date: April 9, 2007

Roll Call Number: 07-640

Action: On vacation and conveyance of north 25 feet of Army Post Road right-of-way adjoining 6304 SW 7th Street to Touch and Go, LLC, \$3,500, (4-23-07). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: February 12, 2007

Roll Call Number: 07-230

Action: Regarding request from Northern Warren Fire and Emergency Response Agency for vacation and conveyance of portion of Army Post Road right-of-way adjoining property at 6304 SW 7th Street, 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 7-0.

BOARD/COMMISSION ACTION(S):

Date: January 18, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Recommended that only the north 25 feet of excess Army Post Road right-of-way adjoining 6304 SW 7th Street be vacated and sold subject to reservation of easement for all utilities in place, and that no access drive from Army Post Road be constructed across the right-of-way.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE