



**Council
Communication**
Office of the City Manager

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

Agenda Item No.	57
Roll Call No.	<u>07-</u>
Communication No.	<u>07-225</u>
Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of an encroachment easement adjoining 301 East Court Avenue to East Village Court, LLC for \$395.

SYNOPSIS:

Approval for the vacation and sale of an encroachment easement to East Village Court, LLC, Thomas Howard, Registered Agent, 1130 SE Westbrooke Drive, Waukee, Iowa, 50263-8371, for \$395. 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: \$395 (Revenue)

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

ADDITIONAL INFORMATION:

On February 12, 2007, by Roll Call No. 07-229, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an encroachment easement to allow for installation of a wheelchair accessible ramp entrance along the west side of the existing structure at 301 East Court Avenue, subject to the reservation of easements for all utilities in place.

This ramp is needed because the western unit on the south side of the building has been sold and will be used as a retail business. The encroachment consists of approximately 71.75 square feet and is 3.5 feet wide. The sidewalk currently is 15 feet wide, with a 10-foot wide walking path between the adjoining property and the street tree planter beds. The encroachment will reduce these widths to 11.5 feet and 6.5 feet. This exceeds the City's six-foot minimum sidewalk width requirement for commercial areas.

East Village Court, LLC has submitted an offer to purchase in the amount of \$395 for the sale of the above referenced encroachment easement, which is equal to the estimated Fair Market Value.

PREVIOUS COUNCIL ACTION(S):

Date: April 9, 2007

Roll Call Number: 07-639

Action: On vacation and conveyance of encroachment easement adjoining 301 East Court Avenue to East Village Court, LLC, \$395, (4-23-07). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: February 12, 2007

Roll Call Number: 07-229

Action: Regarding request from East Village Court, LLC, for vacation and conveyance of surface rights over a segment of E. 3rd Street adjoining property at 301 E. Court Avenue to allow for installation of wheelchair ramp entrance along west side of structure, 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: February 1, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of an encroachment easement over a segment of East 3rd Street right-of-way to allow for installation of a wheelchair accessible ramp along the west side of the existing structure at 301 East Court Avenue, subject to reservation of easement for all utilities in place.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE