



**Council
Communication**
Office of the City Manager

Date	May 7, 2007
-------------	-------------

Agenda Item No.	57
Roll Call No.	<u>07-</u>
Communication No.	<u>07-268</u>
Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing on the vacation and conveyance of Market Street right-of-way between SW 7th Street and SW 8th Street to Employers Mutual Casualty Company for \$85,608.

SYNOPSIS:

Approval for vacation and conveyance of such property to Employers Mutual Casualty Company (EMC), an Iowa corporation, Harold Capps, Jr., Assistant Secretary, 700 Walnut Street, Des Moines, Iowa, 50309, for \$85,608. 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: \$85,608

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

ADDITIONAL INFORMATION:

On March 12, 2007, by Roll Call No. 07-450, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an excess portion of Market Street between SW 7th Street and SW 8th Street, subject to reservation of easements for all existing utilities now in place, with right-of-entry for servicing same, and subject to review and approval of a landscape plan by the City prior to planting any trees or shrubs.

The property to be conveyed consists of approximately 15,565 square feet, and the Buyer, EMC, will assemble the right-of-way with their adjoining developed site. EMC would like to develop an enhanced landscaping plan that includes trees, shrubs, and assorted plantings to replace the old asphalt and rock base abandoned street right-of-way.

Due to the existing utility easements, the reuse of this property is limited. EMC has submitted an offer of \$85,608 to purchase the above referenced property, which is equal to the estimated restricted use Fair Market Value.

PREVIOUS COUNCIL ACTION(S):

Date: April 23, 2007

Roll Call Number: 07-752

Action: [On](#) vacation and conveyance of Market Street right-of-way between SW 7th Street and SW 8th Street to Employers Mutual Casualty Company, \$85,608, (5-7-07). Moved by Hensley to adopt. Motion Carried 7-0.

Date: March 12, 2007

Roll Call Number: 07-450

Action: [Regarding](#) request from Employers Mutual Casualty Company, 106 SW 7th, for vacation and conveyance of an excess portion of Market Street between SW 7th and SW 8th, adjoining the north side of West ML King Jr. Parkway, subject to conditions. Moved by Mahaffey 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: March 1, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Recommended approval of request to vacate and convey an excess portion of Market Street between SW 7th Street and SW 8th Street subject to reservation of public easements for all utilities in place, and review and approval of a landscape plan by the City prior to planting any trees or shrubs.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE