



Council Communication

Office of the City Manager

Date

June 4, 2007

Agenda Item No. 54
Roll Call No. 07-
Communication No. 07-326
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street and excess West Martin Luther King, Jr. Parkway right-of-way North of Elm Street and between SW 7th Street and SW 8th Street to Hubbell Realty Company for \$140,000.

SYNOPSIS:

Approval for vacation and conveyance of such property to Hubbell Realty Company, an Iowa corporation, Rick J. Tollakson, President and CEO, R. Michael Hayes, Secretary, 6900 Westown Parkway, West Des Moines, Iowa, 50266, for \$140,000. 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: \$140,000 (Revenue)

Funding Source: Proceeds from the sale of the Elm Street right-of-way (\$28,000) will be deposited into the Fiscal Year 2007-08 Operating Budget, Property Maintenance Endowment Fund, SP767 PKS161625, page 259. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001 PKS161600) to offset the operating budget of the Property Management Division. Proceeds from the sale of the federally encumbered excess West Martin Luther King, Jr. Parkway right-of-way (\$112,000) will be deposited into the Federal Title 23 Deposit Account, Fund: CP038, Org.: EN990000, Project: STR500.

ADDITIONAL INFORMATION:

On July 10, 2006, by Roll Call No. 06-1331, the City Council adopted a recommendation from the City Plan and Zoning Commission that Elm Street between SW 7th Street and SW 8th Street, and excess Martin Luther King, Jr. Parkway right-of-way North of Elm Street and between SW 7th Street and SW 8th Street be vacated and sold, subject to the following conditions:

- 1) Provision of necessary easements for all utilities in place.
- 2) Prohibition of future driveway approaches along adjoining SW 7th Street and West Martin Luther King, Jr. Parkway.
- 3) Exclusion of land with landscaping and improvements along West Martin Luther King, Jr. Parkway.

The street rights-of-way to be vacated and conveyed consist of approximately 46,826 square feet. The Buyer plans to incorporate this property to existing owned commercial property for commercial redevelopment.

Hubbell Realty Company has submitted an offer of \$140,000 to purchase the above referenced property, which is equal to the fair market value as determined by an independent appraisal. The appraisal determined the value of the Elm Street right-of-way to be \$28,000, which will be deposited into the City's Property Maintenance account, and \$112,000 for the federally encumbered excess West Martin Luther King, Jr. Parkway right-of-way, which will be deposited into the Fed Title 23 Deposit account.

PREVIOUS COUNCIL ACTION(S):

Date: May 21, 2007

Roll Call Number: 07-967

Action: [On](#) vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, and excess West Martin Luther King, Jr. Parkway right-of-way, north of Elm Street and between SW 7th Street and SW 8th Street to Hubbell Realty Company, \$140,000. Moved by Vlassis to adopt. Motion Carried 7-0.

Date: July 10, 2006

Roll Call Number: 06-1331

Action: [Regarding](#) request from Hubbell Realty Company for vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, to include excess right-of-way from West Martin Luther King, Jr. Parkway, adjoining Elm Street in the vicinity of 702 Elm Street, 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: June 15, 2006

Roll Call Number: Plan and Zoning Commission

Action: Recommended approval of a request for vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, including excess West Martin Luther King Jr. Parkway right-of-way, adjoining Elm Street in the vicinity of 702 Elm Street, subject to provision of necessary easements for all utilities in place, prohibition of future driveway approaches along adjoining SW 7th Street and West Martin Luther King, Jr. Parkway, and exclusion of land with landscaping and improvements along West Martin Luther King, Jr. Parkway.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE