



Council Communication

Office of the City Manager

Date June 18, 2007

Agenda Item No. 65
Roll Call No. 07-
Communication No. 07-359
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hearing on vacation and conveyance of 14th Place from Ascension Street to Keosauqua Way, along with conveyance of an irregular portion of excess Keosauqua Way right-of-way and Ascension Street West of and adjoining 14th Place to D. Lance Cooper for \$5,000.

SYNOPSIS:

Approval of vacation and conveyance of such property to D. Lance Cooper, 1063 14th Place, Des Moines, Iowa, 50314, for \$5,000. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The property to be sold consists of approximately 16,333 square feet and there is no current or anticipated public need for this property for street right-of-way purposes. The buyer has requested the purchase of this property to allow for enhanced landscaping, added security and on-premise business signage for the adjoining commercial property. The conveyance will be subject to an easement for existing utilities in place, a pedestrianway easement, and a restriction that prohibits off-premise signage (billboards) on the property to be sold.

FISCAL IMPACT:

Amount: \$5,000 (Revenue)

Funding Source: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767

ADDITIONAL INFORMATION:

On November 6, 2006, by Roll Call No. 06-2172, the City Council adopted a recommendation from the City Plan and Zoning Commission that 14th Place from Ascension Street to Keosauqua Way be vacated and sold, along with an irregular portion of excess Keosauqua Way and Ascension Street West of and adjoining 14th Place, subject to the following conditions:

- 1) Reservation of easements for all utilities in place.
- 2) No vehicular access shall be allowed between the property and Keosauqua Way.

In addition to the items above, the property will be sold subject to a pedestrianway easement and a deed restriction that prohibits off-premise signage (billboards). The location of the pedestrianway easement, an existing storm sewer and the topography of the excess Keosauqua Way property severely impacts any practical use of the property for commercial development. The buyer, D. Lance Cooper, has agreed to purchase the property for \$5,000 which is equal to the restricted use fair market value.

PREVIOUS COUNCIL ACTION(S):

Date: June 4, 2007

Roll Call Number: 07-1068

Action: On vacation and conveyance of a portion of 14th Place from Ascension Street to Keosauqua Way, along with conveyance of an irregular portion of excess Keosauqua Way right-of-way and Ascension Street, west of and adjoining 14th Place to D. Lance Cooper, \$5,000, (6-18-07). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: November 6, 2006

Roll Call Number: 06-2172

Action: Regarding request from D. Lance Cooper, 1063 14th Place, for vacation and conveyance of adjoining portion of 14th Place from Ascension Street to Keosauqua Way along with an irregular portion of non-active Keosauqua Way and Ascension Street immediately west of and adjoining 14th Place, 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 6-0.

BOARD/COMMISSION ACTION(S):

Date: October 19, 2006

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of 14th Place from Ascension Street to Keosauqua Way, along with an irregular portion of excess Keosauqua Way and Ascension Street West of and adjoining 14th Place, subject to reservation of easements for all utilities in place, and no vehicular access shall be provided to the property from Keosauqua Way.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE