



Council
Communication
Office of the City Manager

Date

August 20, 2007

Agenda Item No. 60
Roll Call No. 07-
Communication No. 07-515
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing on the vacation and conveyance of an encroachment easement and air rights easement to allow for encroachment of the existing building at 3510 University Avenue to James J. Holtkamp for \$100.

SYNOPSIS:

Approval of vacation and conveyance of such encroachment easement and air rights easement to James J. Holtkamp, 3510 University Avenue, Des Moines, Iowa, 50311-2306, for \$100. 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: \$100 (Revenue)

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

ADDITIONAL INFORMATION:

On June 16, 2007, by Roll Call 07-1159, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an encroachment easement and air rights easement to allow for encroachment of the existing building at 3510 University Avenue subject to the following conditions:

- 1) Vacation and conveyance of only the area where the building footprint encroaches and the air rights necessary for the existing roof encroachment.
- 2) Reservation of easements for utilities in place.

The existing building at 3510 University Avenue encroaches approximately 0.8 feet into the adjoining University Avenue right-of-way, and there is an existing roof overhang, which projects approximately three feet from the building. James J. Holtkamp, the owner of the property at 3510 University Avenue, has submitted an offer to purchase an encroachment easement and air rights easement to allow for the existing encroachment for \$100, which is equal to the estimated fair market value. The encroachment easement consists of approximately 3.20 square feet, and the air rights easement is approximately 172 square feet. These easements will terminate in the event the existing building is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction.

PREVIOUS COUNCIL ACTION(S):

Date: August 9, 2007

Roll Call Number: [07-1513](#)

Action: On vacation and conveyance of an Encroachment Easement and Air Rights Easement to allow encroachment of existing building at 3510 University Avenue to James J. Holtkamp, \$100, (8-20-07). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: June 18, 2007

Roll Call Number: [07-1159](#)

Action: Regarding request from James Holtkamp, 3510 University Avenue, for vacation and conveyance of approximately the south 3.83 feet of the adjoining portion of University Avenue, to allow for encroachment of existing building and existing roof overhang, subject to conditions. Moved by Coleman to receive and file, and refer to the City Manager for implementation in accordance with the City's standard property disposition procedures. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S):

Date: June 7, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Recommended vacation and conveyance of an encroachment easement and air rights easement to allow for encroachment of the existing building at 3510 University Avenue subject to vacation and conveyance of only the area where the building footprint encroaches and of the air rights necessary for the existing roof encroachment, and reservation of easement for utilities in place.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE