



**Council  
Communication**  
Office of the City Manager

**Date** | October 22, 2007

**Agenda Item No.** 44  
**Roll Call No.** 07-  
**Communication No.** 07-634  
**Submitted by:** **Jeb E. Brewer, P.E.,**  
**City Engineer**

**AGENDA HEADING:**

Hold hearing on vacation and conveyance of a portion of SE 1<sup>st</sup> Street right-of-way, along with conveyance of a segment of previously vacated Monroe Street, all adjoining 1306 SE 1<sup>st</sup> Street, to 1306 Diamond View, LLC for \$7,610.

**SYNOPSIS:**

Approval for vacation and conveyance of such property to Diamond View, LLC, (Troy W. Hansen, Project Manager, 5665 Greendale Road, Suite A, Johnston, Iowa, 50130), for \$7,610. This action is required by Iowa law prior to making a final determination on the proposed sale. There is no current or anticipated public need for this property.

**FISCAL IMPACT:**

Amount: \$7,160 (Revenue)

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

**ADDITIONAL INFORMATION:**

On June 7, 2004, by Roll Call No. 04-1144, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of Monroe Street right-of-way adjacent to 1300 SE 1<sup>st</sup> Street, and a portion of SE 1<sup>st</sup> Street right-of-way outside the public sidewalk adjoining 1306 SE 1<sup>st</sup> Street, be vacated and sold subject to reservation of easements for maintenance of all utilities in place, and no permanent structure being permitted to locate over or within an area 30 feet on center of each of the existing lines to maintain existing sewers.

On October 25, 2004, by Roll Call No. 04-2309, the City Council passed Ordinance No. 14,382 vacating a segment of Monroe Street right-of-way in the vicinity of 1300 SE 1<sup>st</sup> Street.

The property to be conveyed consists of approximately 8,777 square feet. Currently a restaurant is located on the property at 1306 SE 1<sup>st</sup> Street. The restaurant building encroaches on Monroe Street, and the excess street right-of-way is needed for restaurant parking. Diamond View, LLC is in the process of closing on the purchase of 1306 SE 1<sup>st</sup> Street, and their plan is to incorporate this property with the property they are purchasing from the City for future redevelopment.

Diamond View, LLC has submitted an offer of \$7,610 to purchase the above referenced City right-of-way, which is equal to the estimated fair market value.

**PREVIOUS COUNCIL ACTION(S):**

Date: October 8, 2007

Roll Call Number: [07-1938](#)

Action: On vacation and conveyance of a portion of SE 1<sup>st</sup> Street right-of-way, along with conveyance of a segment of previously vacated Monroe Street, all adjoining 1306 SE 1<sup>st</sup> Street, to 1306 Diamond View, LLC, \$7,610, (10-22-07). Moved by Hensley to adopt. Motion Carried 7-0.

Date: October 25, 2004

Roll Call Number: [04-2309](#)

Action: On vacation of segment of Monroe Street right-of-way in vicinity of 1300 SE 1<sup>st</sup> Street. Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.

Date: June 7, 2004

Roll Call Number: [04-1144](#)

Action: Regarding request from American Land and Redevelopment Corporation, for vacation and conveyance of a segment of Monroe Street right-of-way adjacent to 1300 SE 1<sup>st</sup> Street, and for vacation and conveyance of a portion of SE 1<sup>st</sup> Street right-of-way, outside the public sidewalk, adjoining 1306 SE 1<sup>st</sup> Street, subject to conditions. Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Date: May 20, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Recommended vacation and conveyance of a segment of Monroe Street right-of-way adjacent to 1300 SE 1<sup>st</sup> Street and a portion of SE 1<sup>st</sup> Street right-of-way outside the public sidewalk adjoining 1306 SE 1<sup>st</sup> Street, subject to reservation of easements for maintenance of all utilities in place, and no permanent structure being permitted to locate over or within an area 30 feet on center of each of the existing lines to maintain existing sewers.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**