



Council Communication

Office of the City Manager

Date

October 22, 2007

Agenda Item No. 45
Roll Call No. 07-
Communication No. 07-635
Submitted by: Jeb E. Brewer, P.E.,
City Engineer

AGENDA HEADING:

Hold hearing on vacation and conveyance of an encroachment easement and air space easement to allow for encroachment of the building at 600 East Grand Avenue to ResCare, Inc. for \$636.

SYNOPSIS:

Approval for vacation and conveyance of such encroachment easement and air space easement to ResCare, Inc., (William E. Dodds, President, 602 East Grand Avenue, Des Moines, Iowa, 50309), for \$636. 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: \$636 (Revenue)

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

ADDITIONAL INFORMATION:

On February 12, 2007, by Roll Call No. 07-231, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey an air space easement to allow for installation of bay windows on the south and west facades of the existing building at 600 East Grand Avenue, subject to the windows being installed in substantial compliance with the submitted historical photos.

In the process of surveying the property to determine the legal description for the air space to be vacated, it was discovered that the existing building encroaches slightly on East Grand Avenue and East 6th Avenue rights-of-way. The encroachment consists of approximately 41 square feet. The air space easement is needed for the installation of four bay windows on the south and west facades of the existing building, and consist of approximate 296 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 the assessed value of the building prior to such destruction.

ResCare, Inc., the owner of the property at 600 East Grand Avenue, has submitted an offer to purchase an encroachment easement and air space easement for \$636, which is equal to the estimated fair market value.

PREVIOUS COUNCIL ACTION(S):

Date: October 8, 2007

Roll Call Number: [07-1939](#)

Action: [On](#) vacation and conveyance of an encroachment easement and air space easement, to allow for encroachment of the building at 600 E. Grand Avenue, to Rescare, Inc., \$636, (10-22-07). Moved by Hensley to adopt. Motion Carried 7-0.

Date: February 12, 2007

Roll Call Number: [07-231](#)

Action: [Regarding](#) request from ResCare, Inc. for vacation and conveyance of air rights within 2 feet of the south and west facades of existing building on property at 600 E. Grand Avenue to allow for installation of four 2nd floor bay windows, 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 7-0.

BOARD/COMMISSION ACTION(S):

Date: February 1, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Recommended vacation and conveyance of an air space easement to allow for installation of four bay windows on the existing building at 600 East Grand Avenue, subject to the windows being installed in substantial compliance with the submitted historical photos.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE