



Council Communication

Office of the City Manager

Date	December 17, 2007
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Agenda Item No.	47
Roll Call No.	<u>07-</u>
Communication No.	<u>07-744</u>
Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hearing on vacation and conveyance of the North/South alley right-of-way from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street, to adjoining property owners for \$725.

SYNOPSIS:

Approval of vacation and conveyance of such property to adjoining property owners for \$725. 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: \$725 (Revenue)

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

ADDITIONAL INFORMATION:

On July 26, 2004, by Roll Call No. 04-1567, the City Council adopted a recommendation from the City Plan and Zoning Commission that the North/South alley from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street, be vacated and sold to the adjoining property owners, subject to the following:

- 1) Provision of easements for all utilities now in place with right-of-entry for servicing same.
- 2) Reservation of an easement on the north 120 feet for joint access from Thornton Avenue to the existing properties.
- 3) Provision of deed restrictions noting that if fences have to be removed for truck access that the property owner will be responsible for repair or replacement.

The purchase of this property will allow the adjoining residential property owners to assemble the vacated alley right-of-way with additional owned property for back or side yard expansion, and the sale will help reduce the City's alley ownership. The property being conveyed consists of approximately 9,760 square feet and the following owners have agreed to purchase portions of the alley adjoining their properties:

- 1) \$200 – Polk County Health Services, Inc., Peter Karney, President, 218 6th Avenue, Suite 1000, Des Moines, IA 50309-4006
- 2) \$75 – Matthew E. and Denise McCullough, 3620 SW 3rd Street, Des Moines, IA 50315-3107
- 3) \$50 – Eric and Tamra Means, 3619 SW 4th Street, Des Moines, IA 5015-3112
- 4) \$50 – Debbie A. Mahon, 3622 SW 3rd Street, Des Moines, IA 50315-3107

- 5) \$100 – Jon and Tina Loveless, 3701 SW 4th Street, Des Moines, IA 50315-3114
- 6) \$100 – Angelique K. Brookhart, 3709 SW 4th Street, Des Moines, IA 50315-3114
- 7) \$75 – Tony Marvin and Janet Lou Bass, 319 Rose Avenue, Des Moines, IA 50315-3122
- 8) \$75 – Donald Schmelling and David Piper, 309 Rose Avenue, Des Moines, IA 50315-3122

PREVIOUS COUNCIL ACTION(S):

Date: December 3, 2007

Roll Call Number: [07-2297](#)

Action: [On](#) vacation and conveyance of north/south alley right-of-way from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street, to adjoining property owners, \$725, (12-17-07). Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 26, 2004

Roll Call Number: 04-1567

Action: Regarding request from Tamra Means for vacation and conveyance of the north/south alley from Thornton Avenue to Rose Avenue between SW 3rd Street and SW 4th Street, subject to conditions. Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: July 15, 2004

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of the North/South alley from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street, subject to provision of easements for all existing utilities, reservation of an easement on the North 120 feet for joint access from Thornton Avenue to the existing properties, and provision of deed restrictions noting that if fences have to be removed for truck access that the property owner will be responsible for repair or replacement.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE