



Council Communication

Office of the City Manager

Date	January 28, 2008
-------------	------------------

Agenda Item No.	53
Roll Call No.	<u>08-</u>
Communication No.	<u>08-041</u>
Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hearing on vacation and conveyance of an air space easement adjoining 707 8th Street to Principal Life Insurance Company for \$30.

SYNOPSIS:

Approval of vacation and conveyance of property to Principal Life Insurance Company, an Iowa corporation, Ted Brackett, 2nd Vice President Corporate Real Estate, 711 High Street, Des Moines, Iowa, 50392-001, for \$30. 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: \$30 (Revenue)

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

ADDITIONAL INFORMATION:

On December 3, 2007, by Roll Call No. 07-2295, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey air rights within the south four feet of Center Street between 7th Street and 8th Street, air rights within the west five feet of 7th Street between Center Street and Park Street, subsurface rights within the west two feet of 7th Street between Center Street and Park Street, subsurface rights within the north three feet of Park Street between 7th and 8th Street and air rights within the north five feet of Park Street between 7th and 8th Street. The subsurface rights and air rights were conveyed on December 17, 2007, by Roll Call No. 07-2406. An additional 58 square feet of air space is now required within the Center Street right-of-way.

Principal Life Insurance Company plans to construct a nine-story parking garage on the property they own at 707 8th Street to support the Principal Financial Group office buildings to the south. The purchase of the easement for air rights will allow for encroachment of the building's parapet into the Center Street right-of-way.

The air space consists of approximately 58 square feet. City staff has determined that this is a de minimus vacation of right-of-way that does not need to be processed through the Plan and Zoning Commission. Principal Life Insurance Company has submitted an offer of \$30 to purchase the above referenced Easement for Use of Air Space above City-owned property, which is equal to the fair market value for the property to be conveyed.

PREVIOUS COUNCIL ACTION(S):

Date: January 7, 2008

Roll Call Number: 08-033

Action: [On](#) vacation and conveyance of an air space easement adjoining 707 8th Street to Principal Life Insurance Company, \$30, (1-28-08). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: December 17, 2007

Roll Call Number: 07-2406

Action: [On](#) vacation and conveyance of an easement for subsurface and air space adjoining 707 8th Street to Principal Life Insurance Company, \$2,917. ([Council Communication No. 07-746](#)) Moved by Hensley to adopt. Motion Carried 6-1.

Date: December 3, 2007

Roll Call Number: 07-2295

Action: [Regarding](#) request from Principal Life Insurance Company for vacation and conveyance of rights-of-way related to the proposed parking structure at 707 8th Street, subject to conditions. Moved by Hensley to receive and file and refer to the City Manager for implementation in accordance with the City's standard property disposition procedures. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: November 15, 2007

Roll Call Number: City Plan and Zoning Commission

Action: Approved request for vacation and conveyance of air rights within the south four feet of Center Street between 7th Street and 8th Street, air rights within the west five feet of 7th Street between Center Street and Park Street, subsurface rights within the west two feet of 7th Street between Center Street and Park Street, subsurface rights within the north three feet of Park Street between 7th Street and 8th Street, and air rights within the north five feet of Park Street between 7th Street and 8th Street.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE