



Council Communication

Office of the City Manager

Date July 28, 2008

Agenda Item No. 43
Roll Call No. 08-
Communication No. 08-434
Submitted by: **Jeb E. Brewer, P.E.**
City Engineer

AGENDA HEADING:

Hearing for vacation and conveyance of excess City-owned right-of-way at East 19th Street and Hubbell Avenue to Kenoyer and Associates, LLC for \$2,425.

SYNOPSIS:

Recommend approval of vacation and conveyance of excess City-owned right-of-way at East 19th Street and Hubbell Avenue (also known as Lots 10-11 and Lot 22 of Hubbell Avenue Addition) to Kenoyer and Associates, L.L.C., Everett Kenoyer, Member Manager, 1183 Warren Avenue, Cumming, Iowa 50061. 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. The sale of this property will help reduce the City's ownership of excess land and will allow Kenoyer and Associates, LLC to expand the side and rear yard of their adjoining property located at 1912 Hubbell Avenue.

FISCAL IMPACT:

Amount: \$2,425 (Revenue)

Funding Source: Sale proceeds will be deposited into the Property Maintenance Endowment Fund, SP767 ENG9800500. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001 ENG040700) to offset the operating budget of the Engineering – Real Estate division.

ADDITIONAL INFORMATION:

On August 26, 1991, by Roll Call No. 91-3625, the City Council adopted a recommendation from the City Plan and Zoning Commission that the excess City-owned right-of-way at East 19th Street and Hubbell Avenue be vacated and sold, subject to the following restrictions:

- 1) Restriction of lot use to residential purposes
- 2) No parking expansion
- 3) Subject to reservation of an easement for all utilities now in place with the right-of-entry for servicing same.

The conveyance of this excess right-of-way was never completed with the original requester. This conveyance will help reduce the City's ownership of excess land, and will allow the adjoining residential property owner to assemble the excess right-of-way with additional owned property for residential yard expansion. The excess right-of-way consists of two properties containing approximately 18,559 combined square feet. Neither property is a buildable lot. Kenoyer and Associates, LLC, the adjoining

property owner, has submitted an offer of \$2,425 to purchase these excess city-owned parcels, which is equal to the estimated fair market value.

PREVIOUS COUNCIL ACTION(S):

Date: July 14, 2008

Roll Call Number: [08-1194](#)

Action: On vacation and conveyance of excess city-owned right-of-way at E. 19th Street and Hubbell Avenue to Kenoyer and Associates, L.L.C, \$2,425, (7-28-08). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: August 26, 1991

Roll Call Number: 91-3625

Action: City Council adopted a recommendation from City Plan and Zoning Commission that excess City-owned right-of-way at East 19th Street and Hubbell Avenue be vacated and sold, subject to restriction of lot use to residential purposes.

BOARD/COMMISSION ACTION(S):

Date: August 1, 1991

Roll Call Number: Plan and Zoning Commission

Action: Moved for approval of the requested vacation and conveyance subject to conditions. Motion passed 13-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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