



Council Communication

Office of the City Manager

Date

August 11, 2008

Agenda Item No. 50
Roll Call No. 08-
Communication No. 08-474
Submitted by: **Jeb E. Brewer, P.E.**
City Engineer

AGENDA HEADING:

Hearing on vacation and conveyance of Hazelwood Drive right-of-way south of Franklin Avenue, adjoining 1819 43rd Street, to Ila M. McFarland Estate for \$200.

SYNOPSIS:

Recommend approval of vacation and conveyance of Hazelwood Drive right-of-way south of Franklin Avenue, adjoining 1819 43rd Street, to Ila M. McFarland Estate, Cynthia S. Dolmage and Jack B. McFarland, co-executors, 1819 43rd Street, Des Moines, Iowa, 50310, for \$200. 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: \$200 (Revenue)

Funding Source: Sale proceeds will be deposited into the Property Maintenance Endowment Fund, SP767, ENG980500. 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 November 21, 2005, by Roll Call No. 05-2780, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of Hazelwood Drive right-of-way south of Franklin Avenue, adjoining 1819 43rd Street, be vacated and sold, subject to reservation of an easement for all utilities now in place with the right-of-entry for servicing same. This vacation was not completed in 2005, and the co-executors are now interested in purchasing the property.

The right-of-way described above is undeveloped and currently maintained by the buyer who plans to assemble it with residential property owned on both the east and west sides. The property being conveyed consists of approximately 4,599 square feet and its sale will help reduce the City's ownership of excess right-of-way.

Ila McFarland Estate, owner of 1819 43rd Street, has submitted an offer of \$200 to purchase the above referenced right-of-way, which is equal to the estimated fair market value.

PREVIOUS COUNCIL ACTION(S):

Date: July 28, 2008

Roll Call Number: 08-1319

Action: On vacation and conveyance of Hazelwood Drive right-of-way, south of Franklin Avenue, adjoining 1819 43rd Street to Ila M. McFarland Estate, \$200, (8-11-08). Moved by Kiernan to adopt. Motion Carried 7-0.

Date: November 21, 2005

Roll Call Number: 05-2780

Action: Regarding request from Ila McFarland, 1819 43rd Street, for vacation and conveyance of the adjoining north/south alley right-of-way known as Hazelwood extending south of Franklin Avenue between 41st Street and 43rd Street. Moved by Hensley to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures to include the reservation of easements identified above. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: November 3, 2005

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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