

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	November 10, 2008
	Agenda Item No. 50 Roll Call No. <u>08-</u> Communication No. <u>08-673</u> Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Hold hearing for vacation and conveyance of an easement for building encroachment within a segment of Cottage Grove Avenue right-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett for \$50.

SYNOPSIS:

Recommend approval for vacation and conveyance of said encroachment easement to Monte and Krista Bennett, 122 Sunset Drive, Otley, Iowa, 50214, for \$50. 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: \$50 (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 October 13, 2008, by Roll Call No. 08-1750, the City Council adopted a recommendation from the City Plan and Zoning Commission for vacation and conveyance of a small segment of Cottage Grove Avenue adjoining 1912 Cottage Grove Avenue to allow encroachment of an elevated stoop for the north entrance of the building.

Monte and Krista Bennett are the owners of 1912 Cottage Grove Avenue. They are renovating the existing building for use as a coffee shop. In order to accommodate an elevated stoop in front of the main door, they need to purchase a five foot by seven foot triangular encroachment easement from the City. This easement is located on the north side of the building along the edge of Cottage Grove Avenue right-of-way and consists of approximately 20.1 square feet.

Monte and Krista Bennett have submitted an offer of \$50 to purchase the above referenced Easement for Building Encroachment, which is equal to the estimated fair market value.

PREVIOUS COUNCIL ACTION(S):

Date: October 27, 2008

Roll Call Number: 08-1842

Action: On vacation and conveyance of easement for building encroachment within a segment of Cottage Grove Avenue right-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett, \$50, (11-10-08). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: October 13, 2008

Roll Call Number: 08-1750

Action: Regarding request from Monte and Krista Bennett for property at 1912 Cottage Grove Avenue for vacation and conveyance of a small segment of Cottage Grove Avenue adjoining the property on the north, to allow encroachment of an elevated stoop for the north entrance to the building. Moved by Coleman to receive, file, and forward recommendation to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: September 18, 2008

Roll Call Number: City Plan and Zoning Commission

Action: Approval of request from Monte and Krista Bennett for vacation and conveyance of a small segment of Cottage Grove Avenue adjoining 1912 Cottage Grove Avenue to allow encroachment of an elevated stoop for the north entrance of the building.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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