



Council Communication

Office of the City Manager

Date

November 24, 2008

Agenda Item No. 44
Roll Call No. 08-
Communication No. 08-703
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Hold Hearing for vacation and conveyance of Birch Lane from Thornton Drive to Southwest 24th Street and Southwest 24th Street from Thornton Avenue to Watrous Avenue to Leonard and Sheryl Ballard for \$650, to Steven Curtis and Philip Murrell for \$250, and to Des Moines Independent Community School District for \$1.

SYNOPSIS:

Recommend approval for vacation and conveyance of such right-of-way to Leonard and Sheryl Ballard, 2342 Thornton Drive, Des Moines, Iowa, 50321, for \$650, to Steven Curtis and Philip Murrell, 2240 Thornton Drive, Des Moines, Iowa, 50321, for \$250, and to Des Moines Independent Community School District, 2425 Watrous Avenue, Des Moines, Iowa, 50321, for \$1. 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: \$901 (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 27, 2008, by Roll Call No. 08-1840, the City Council adopted a recommendation from the City Plan and Zoning Commission that Birch Lane right-of-way from Thornton Drive to Southwest 24th Street and Southwest 24th Street right-of-way from Thornton Avenue to Watrous Avenue, hereinafter more fully described, be vacated and sold subject to reservation of necessary public utility and drainage easements.

There is significant vegetation including mature trees growing within a majority of this undeveloped street right-of-way. An existing public sanitary sewer is located in the Birch Lane segment and across a small segment of the Southwest 24th Street right-of-way. This right-of-way also serves as a natural drainage way. The conveyance of this property will be subject to easements for sanitary sewer and surface water flowage.

This property consists of approximately 42,475 square feet and its sale will allow the adjoining residential property owners to assemble the vacated street right-of-way with additional owned property for yard expansion. Leonard and Sheryl Ballard have submitted an offer of \$650, and Steven Curtis and Philip Murrell have submitted an offer of \$250 to purchase the portions of street adjoining their properties, which is equal to the estimated fair market value.

The remaining Southwest 24th Street right-of-way adjoining Jefferson Elementary School will be conveyed to Des Moines Independent Community School District for \$1 for assemblage with the adjoining school property, as permitted by Iowa law.

PREVIOUS COUNCIL ACTION(S):

Date: November 10, 2008

Roll Call Number: 08-1961

Action: On vacation and conveyance of Birch Lane from Thornton Drive to SW 24th Street and SW 24th Street from Thornton Drive to Watrous Avenue to abutting property owners, (11-24-08). Moved by Mahaffey to adopt. Motion Carried 5-2.

Date: October 27, 2008

Roll Call Number: 08-1840

Action: Regarding request from Leonard and Sheryl Ballard for vacation and conveyance of Birch Lane from Thornton Drive to SW 24th Street and east half of SW 24th Street from Thornton to Watrous Avenue, subject to conditions. Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: October 22, 2008

Roll Call Number: Plan and Zoning Commission

Action: Recommend approval for vacation and conveyance of Birch Lane from Thornton Drive to Southwest 24th Street and Southwest 24th Street from Thornton Avenue to Watrous Avenue.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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