

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	January 5, 2009
	Agenda Item No. 21 Roll Call No. <u>09-</u> Communication No. <u>09-004</u> Submitted by: Jeb E. Brewer, P.E., City Engineer	

AGENDA HEADING:

Hold hearing for conveyance of portions of the vacated north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith for \$50 and adjoining 1534 28th Street to Filice L. Williams for \$50.

SYNOPSIS:

Recommend approval for conveyance of such right-of-way to Denis and Nancy Wolf-Keith, 1535 29th Street, Des Moines, Iowa, 50315, for \$50 and to Filice L. Williams 1534 28th Street 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. This hearing was continued from December 8, 2008 and from December 22, 2008.

FISCAL IMPACT:

Amount: \$100 (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 April 24, 2000, by Ordinance No. 13,814, the City Council vacated the north/south alley between 28th and 29th Streets north of Clark Street. Portions of the vacated alley have been sold in the past and the two parcels listed below will complete the sale of all parcels for this vacated alley.

On December 8, 2008, under Roll Call No. 08-2150, the City Council continued the Public Hearing to December 22, 2008. Roll Call No. 08-2150 was to convey both remaining parcels to Denis and Nancy Wolf-Keith for \$100; however, Filice L. Williams came forward and requested to purchase the vacated alley abutting her property. The abutting property owner has first rights to the vacated alley, so one of the parcels must be sold to Filice L. Williams. On December 22, 2008, under Roll Call No. 08-2231, the City Council continued the Public Hearing again to January 5, 2009, to allow time for proper publication of the changes to the required legal notice for conveyance of this property.

The two properties consist of approximately 863 square feet and their sale will allow the adjoining residential property owners to assemble the vacated alley right-of-way with additional owned property for yard expansion. Denis and Nancy Wolf-Keith and Filice L. Williams have each submitted an offer of

\$50 to purchase the portion of remaining vacated alley adjoining their property, which is equal to the estimated fair market value.

PREVIOUS COUNCIL ACTION(S):

Date: December 22, 2008

Roll Call Number: 08-2231

Action: On conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$100. Moved by Vlassis to continue the public hearing until January 5, 2009 at 5:00 PM in the Council Chambers. Motion Carried 7-0.

Date: December 8, 2008

Roll Call Number: 08-2150

Action: On conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$100, and to continue to December 22, 2008 at 5:00 PM to determine interest in purchasing the two remaining portions of the alley. Moved by Vlassis to continue the public hearing until December 22, 2008 at 5:00 pm in the Council Chambers. Motion Carried 7-0.

Date: November 24, 2008

Roll Call Number: 08-2044

Action: On conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$100, (12-8-08).

Date: April 24, 2000

Roll Call Number: 00-1229

Action: Ordinance No 13,814 for vacation of north/south alley between 28th and 29th Streets north of Clark Street.

BOARD/COMMISSION ACTION(S):

Date: September 13, 1999

Roll Call Number: 99-2814

Action: On approval of request from Phyllis Pryor, 1527 29th Street for vacation and conveyance of a portion of the north/south alley right-of-way between 29th and 28th Streets and north of Clark Street. Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 5-2. Absent: Daniels and Flagg.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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