

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	April 6, 2009
	Agenda Item No. 21 Roll Call No. <u>09-</u> Communication No. <u>09-211</u> Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Resolution authorizing and approving release of deed restrictions for the east/west alley lying south of and adjoining 212 4th Street.

SYNOPSIS:

Recommend approval of the release of deed restrictions for the east/west alley lying south of and adjoining 212 4th Street to Randolph Investment Company, Joseph M. Coppola, Jr., President, 400 Walnut Street, Skywalk Suite 4, Des Moines, Iowa 50309, in fulfillment of the original contract by payment of an additional \$7,840. Randolph Investment Company is planning an apartment renovation project for adjoining properties and needs to have all but one of these deed restrictions released by the City for construction of an elevator and building exit systems. There is no current or anticipated public need for the deed restrictions listed below except for the maintenance of access to existing fire escapes which will extinguish upon construction of compliant building exit systems that replace the existing fire escapes.

FISCAL IMPACT:

Amount: \$7,840.00 (revenue)

Funding Source: Release payment 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 January 5, 1987, by Roll Call 22, the City Council approved the sale and conveyance of the east/west alley lying South of and adjoining 212 4th Street to Joseph M. Coppola, Sr., for \$7,840, subject to the following conditions:

- (1) The City of Des Moines reserving the right-of-way easements for any public utilities now in place pursuant to existing franchise or easement agreements with the right of entry for servicing the same.
- (2) Maintenance of access to existing fire escapes as long as it remains in use.

(3) No structures, permanent or temporary shall be constructed or erected on the subject property, except for the following: patios, yard recreational and laundry-drying equipment, arbors and trellises, flag poles, yard lights, statuary and similar decorative items.

(4) No parking shall be permitted on the subject property except that which will accommodate one and two-family residential uses.

(5) No signs shall be erected on the subject property.

(6) Fences may be erected upon the subject property unless otherwise prohibited.

Randolph Investment Company has agreed to fulfill the original contract by paying an additional amount of \$7840.00, which represents the estimated fair market value of the restrictions being lifted on the alley right-of-way, plus they have agreed to take ownership and assume future responsibility for the existing storm sewer pipe and intake located within the alley that only serves the adjoining properties owned by Randolph Investment Company. The access easement listed as (2) above will remain on the property at this time, but is conditioned upon and will automatically extinguish upon compliant building exit systems being constructed to replace the existing fire escapes.

PREVIOUS COUNCIL ACTION(S):

Date: January 5, 1987

Roll Call Number: 22

Action: Approving the sale and conveyance of the east/ west alley lying South of and adjoining 212 4th Street to Joseph M. Coppola, Sr., for \$7,840.00.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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