



# Council Communication

Office of the City Manager

<b>Date</b>	June 22, 2009
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<b>Agenda Item No.</b>	<b>54</b>
<b>Roll Call No.</b>	<b><u>09-</u></b>
<b>Communication No.</b>	<b><u>09-410</u></b>
<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

## AGENDA HEADING:

Hold hearing for vacation and conveyance of a small segment of East 33<sup>rd</sup> Street south of Thompson Avenue, and of Thompson Avenue between East 33<sup>rd</sup> Street and East 34<sup>th</sup> Street to St. Joseph's Church of Des Moines, Polk County, Iowa for \$600.

## SYNOPSIS:

Recommend approval of the vacation and conveyance of a small segment of E. 33<sup>rd</sup> Street south of Thompson Avenue, and of Thompson Avenue between E. 33<sup>rd</sup> and E. 34<sup>th</sup> Streets to St. Joseph's Church of Des Moines, Polk County, Iowa. 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. The sale of this property will allow St. Joseph's Church to expand their existing parking lot.

## FISCAL IMPACT:

Amount: \$600 (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 October 20, 1997, by Roll Call No. 97-3483, the City Council passed Ordinance No. 13,537, vacating a portion of E. 33<sup>rd</sup> Street right-of-way south of Thompson Avenue; however a small segment of E. 33<sup>rd</sup> Street was not included in said vacation, which was intended to have also been vacated and conveyed to St. Joseph's Church.

On March 23, 2009, by Roll Call No. 09-464, the City Council received a recommendation from the City Plan and Zoning Commission that Thompson Avenue between E. 33<sup>rd</sup> and E. 34<sup>th</sup> Streets be vacated and sold to St. Joseph's Church, subject to the following restrictions:

- 1) Subject to reservation of easements for all utilities now in place with the right-of-entry for servicing same.
- 2) Subject to the applicant working with staff to find the best possible parking configuration that balances safety and public access though the site.

In order to resolve the public access concerns, the City will reserve a permanent public access easement across vacated Thompson Avenue in the deed conveying the property to St. Joseph's Church. St. Joseph's Church has submitted an offer of \$600 to purchase the property, which is equal to the estimated fair market value. This conveyance will help reduce the City's ownership and maintenance costs, and will allow St. Joseph's Church to expand their existing parking lot.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 23, 2009

Roll Call Number: 09-464

Action: Regarding request from St. Joseph Catholic Church for vacation of Thompson Avenue between E. 33<sup>rd</sup> Street and E. 34<sup>th</sup> Street, subject to conditions. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 5-2.

**BOARD/COMMISSION ACTION(S):**

Date: March 5, 2009

Roll Call Number: Plan and Zoning Commission

Action: Moved to approve the requested vacation subject to the applicant working with staff to find the best possible parking configuration that balances safety and public access though the site. Motion passed 11-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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