

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	October 26, 2009
	<b>Agenda Item No.</b> <b>54</b> <b>Roll Call No.</b> <b><u>09-</u></b> <b>Communication No.</b> <b><u>09-745</u></b> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E.,</b> <span style="padding-left: 100px;"><b>City Engineer</b></span>	

**AGENDA HEADING:**

Hold hearing for conveyance of an encroachment easement to allow for encroachment of the existing building and improvements at 514 Foster Drive to Geoffrey J. Ingram, Trustee of Earl J. Ingram Revocable Management Trust for \$2,060.

**SYNOPSIS:**

Recommend Council approval for the conveyance of the encroachment easement to Geoffrey J. Ingram, Trustee of Earl J. Ingram Revocable Management Trust, 514 Foster Drive, Des Moines, Iowa for \$2,060. 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 need for this property.

**FISCAL IMPACT:**

Amount: \$2,060 (Revenue)

Funding Source: Property 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 12, 2009, by Roll Call No. 09-1844, the City Council adopted a recommendation that an encroachment easement for the existing house and improvements on the southeast corner of Ashworth Park be sold subject to the following conditions:

1. The Easement for Building/ Improvement Encroachment shall remain in full force and effect only for the life of the existing building and improvements within the Easement Area.
2. In the event the building upon the Easement Area is ever destroyed by any means whatsoever, to such a degree that the estimated cost of the repairs necessary to restore the building to its condition prior to such destruction exceeds the applicable building codes of City’s Permit and Development Center, the Easement shall terminate and the property interest shall revert automatically to the City.
3. The City, its agents, contractors, employees and assigns, shall have the right of access to the Easement Area for the continued use and maintenance of any utilities now in place, including those for the benefit and use of the City of Des Moines, with the right of entry for servicing same.

**PREVIOUS COUNCIL ACTION(S):**

Date: October 12, 2009

Roll Call Number: 09-1844

Action: On conveyance of an encroachment easement to allow for encroachment of existing building and improvements at 514 Foster Drive to Geoffrey J. Ingram, Trustee of Earl J. Ingram Revocable Management Trust, \$2,060, (10-26-09). Moved by Mahaffey to adopt. Motion Carried 7-0.

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

Date: August 2009

Roll Call Number: 09-084

Action: Property Encroachment Easement at 514 Foster.  
Motion by Ogle to approve. Seconded by Scavo. Motion carried.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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