

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	October 26, 2009
	Agenda Item No. 52 Roll Call No. 09- Communication No. <u>09-746</u> Submitted by: Jeb E. Brewer, P.E., City Engineer	

AGENDA HEADING:

Hold hearing for vacation and conveyance of SE 28th Street north of East Market Street to Greenstar Mid-America, LLC for \$900.

SYNOPSIS:

Recommend approval of the vacation and conveyance SE 28th Street north of East Market Street to Greenstar Mid-America, LLC, Steve Gould, 2742 E. Market Street, Des Moines, 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 Greenstar Mid-America, LLC to expand their existing site.

FISCAL IMPACT:

Amount: \$900 (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 August 24, 2009, by Roll Call No. 09-1542, the City Council received a recommendation from the City Plan and Zoning Commission that SE 28th Street north of East Market Street be vacated and sold to Greenstar Mid-America, LLC, 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 public access easement for traffic turning between SE 28th Street and East Market Street immediately east of the subject property.

In order to resolve the public access concerns, the City will reserve a permanent public access easement across the southern 20 feet of the vacated SE 28th Street in the deed conveying the property to Greenstar Mid-America, LLC. Greenstar Mid-America, LLC has submitted an offer of \$900 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 Greenstar Mid-America, LLC to expand their existing site.

PREVIOUS COUNCIL ACTION(S):

Date: October 12, 2009

Roll Call Number: 09-1845

Action: On vacation and conveyance of segment of SE 28th Street, north of E. Market Street, to Greenstar Mid-America, LLC for \$900, (10-26-09). Moved by Mahaffey to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: August 6, 2009

Roll Call Number: Plan and Zoning Commission

Action: Moved to approve the requested vacation subject to the reservation of a public access agreement to allow traffic turning. Motion passed 11-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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