

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date</b>	December 7, 2009
	<b>Agenda Item No.</b> 52 <b>Roll Call No.</b> <u>09-</u> <b>Communication No.</b> <u>09-851</u> <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 the conveyance of vacated right-of-way adjoining 3001 Merle Hay Road and 5703 Urbandale Avenue to D & D Interests, L.L.C. for \$50,000.

**SYNOPSIS:**

Recommend approval for conveyance of vacated right-of-way adjoining 3001 Merle Hay Road and 4703 Urbandale Avenue to D & D Interests, L.L.C., David and Deb Howdle, Owners, 5703 Urbandale Avenue, Suite 100, Des Moines, Iowa, 50310, for \$50,000. 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 and the sale of this property will help reduce the City’s ownership of excess land. The buyer will use the property for a parking area that serves the adjoining commercial buildings. The City will retain an easement on this property for future maintenance, repair, and replacement of any existing utilities currently in place.

**FISCAL IMPACT:**

Amount: \$50,000 (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:**

During negotiations with the City for property acquisition for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project, D & D Interests, L.L.C. expressed interest in purchasing City-owned vacated right-of-way that adjoins their commercial properties at 3001 Merle Hay Road and 5703 Urbandale Avenue.

The vacated right-of-way consists of approximately 11,604 square feet and the buyer has submitted an offer to purchase this property for \$50,000, which is equal to the estimated fair market value. The buyer will use the property for a parking area that serves the adjoining commercial buildings. The City will retain an easement on this property for future maintenance, repair, and replacement of any existing utilities currently in place.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 24, 2009

Roll Call Number: 09-1538

Action: Establishing Fair Market Value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. (Council Communication No. 09-604) Moved by Kiernan to adopt. Motion Carried 7-0.

Date: March 23, 2009

Roll Call Number: 09-454

Action: Authorization to acquire the necessary right-of-way and easements for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. (Council Communication No. 09-169) Moved by Hensley to adopt. Motion Carried 5-2.

Date: November 3, 2009

Roll Call Number: 80-5495

Action: Ordinance vacating the north 33 feet of Urbandale Avenue right-of-way (except the west 17 feet) lying south of and adjoining Lot 32, Godwin Place.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).