

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 25, 2010
	Agenda Item No.	51
	Roll Call No.	[_____]
	Communication No.	<u>10-640</u>
	Submitted by:	Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Hold Hearing for conveyance of the remaining alley right-of-way adjoining 1051 19th Street to Ryan Galloway for \$100.

SYNOPSIS:

Recommend approval of the conveyance of the remaining alley right-of-way adjoining 1051 19th Street to Ryan Galloway, 1051 19th Street, Des Moines, Iowa, for \$100. 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 help reduce the City’s ownership of excess land and will allow Ryan Galloway (Hatch Development Group, Developer) to comply with development requirements for a proposed multiple family residential development project.

FISCAL IMPACT:

Amount: \$100 (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 May 4, 2009 the City Council set hearing on the proposed vacation and conveyance of portions of excess street and alley rights-of-way located between 18th Street and 19th Street from Atkins Street to Day Street to Ryan Galloway for \$5,875. On May 18, 2009 the City Council moved to receive and file a recommendation from the City Plan and Zoning Commission to allow Ryan Galloway (owner), 1039 19th Street to proceed with requested vacation. On May 18, 2009 the City Council approved the vacation and conveyance of portions of excess street and alley rights-of-way located between 18th and 19th Street from Atkins Street to Day Street. On September 16, 2010 the City Plan and Zoning Commission received a request from Hatch Development Group (developer), represented by Jack Hatch, for review and approval of a Site Plan “MLK Brickstone Apartments Phase 2” under design guidelines in NPC Districts and for Multiple-family Residential, on property located at 1051 19th Street to allow construction of a three-story residential apartment building with 30 units.

The City Plan and Zoning Commission approval of the submitted site plan included a condition that requires the applicant to acquire the remaining east half of the vacated north-south alley to allow for planned retaining walls, paving, and necessary buffer yard fencing and plantings. In order to comply with this condition, Ryan Galloway has agreed to pay \$100 to the City of Des Moines for the purchase of the remaining vacated north-south alley right-of-way lying east of and adjoining 1051 19th Street. The purchase price of \$100 is equal to the estimated restricted use value of the property, as this conveyance will be subject to a vehicular access easement for the benefit of the property located on the east side of the vacated alley. Furthermore, Ryan Galloway has agreed to convey a small portion of previously purchased alley right-of-way back to the City of Des Moines for re-dedication of necessary right-of-way, which was discovered during the review of the site plan.

PREVIOUS COUNCIL ACTION(S):

Date: October 11, 2010

Roll Call Number: 10-1642

Action: On conveyance of remaining alley right-of-way adjoining 1051 19th Street to Ryan Galloway, \$100, (10-25-10). Moved by Hensley to adopt. Motion Carried 7-0.

Date: May 18, 2009

Roll Call Number: 09-902

Action: [On](#) vacation and conveyance of portions of excess street and alley right-of-way located between 18th Street and 19th Street from Atkins Street to Day Street, \$5,875. Moved by Hensley to adopt. Motion Carried 7-0.

Date: May 18, 2009

Roll Call Number: 09-901

Action: [Recommendation](#) from Plan and Zoning Commission. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

Date: May 4, 2009

Roll Call Number: 09-730

Action: [On](#) vacation and conveyance of portions of excess street and alley right-of-way located between 18th Street and 19th Street from Atkins Street to Day Street to Ryan Galloway, \$5,875, (5-18-09). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: September 16, 2010

Board: Plan and Zoning Commission

Action: Request from Hatch Development Group (developer), represented by Jack Hatch, for review and approval of a Site Plan “MLK Brickstone Apartments Phase 2” under design guidelines in NPC Districts and for Multiple-family Residential, on property located at 1051 19th Street, to allow construction of a three-story residential apartment building with 30 units. The subject property is owned by Ryan Galloway.

Date: May 7, 2009

Board: Plan and Zoning Commission

Action: Moved for approval of the requested vacation and conveyance, subject to provision of easements for any existing utilities and vehicular access, until such time that they are relocated. Motion passed.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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