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|  <p style="text-align: center;"><b>Council<br/>Communication</b><br/>Office of the City Manager</p> | <b>Date:</b>             | November 21, 2011                             |
|  | <b>Agenda Item No.</b>   | <b>43</b>                                     |
|  | <b>Roll Call No.</b>     | [ _____ ]                                     |
|  | <b>Communication No.</b> | <b><u>11-717</u></b>                          |
|  | <b>Submitted by:</b>     | <b>Jeb E. Brewer, P.E.,<br/>City Engineer</b> |

**AGENDA HEADING:**

Hold hearing for conveyance of excess city-owned property located at 3136 SW 9th Street to Paul A. & Donna J. Steffensen for \$5,000.

**SYNOPSIS:**

Recommend approval for conveyance of excess City-owned property located on the south side of Boulder Avenue, west of SW 9th Street. 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.

**FISCAL IMPACT:**

Amount: \$5,000 (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:**

The property to be conveyed was originally acquired in 1982 for the widening of SW 9th Street and reconstruction of the intersection with Park Avenue. On November 18, 1985, by Roll Call No. 85-5991, the City Council received a recommendation from the City Plan and Zoning Commission to sell the property, which is zoned C-1 and consists of approximately 9,701 square feet. It has again been determined by City staff that the property is excess and is not needed for any current or future public need.

The parcel does not have direct access to SW 9th Street and due to its small size and topography, the parcel is not suitable for a stand-alone development. The highest and best use of the parcel is for assemblage with the adjoining commercial-zoned property to the south, or the residential property to the west. The property was offered for sale to these two adjoining owners and the residential owner to the west declined to purchase the property.

Paul A. and Donna J. Steffensen, the owners of the adjoining commercial-zoned art studio property at 3138 SW 9th Street, have submitted an offer to purchase the above referenced property for \$5,000, which is equal to the estimated restricted-use fair market value. The purchase of this property will allow the buyers to construct an addition to their existing building, which otherwise would have not been allowed

due to building setback requirements. The property is being sold subject to easements for any existing utilities in place and a no-build restriction that limits development on the property for the construction of auxiliary structures only. The buyers may request to have the no-build restriction released in the future, subject to the City’s approval, by paying the balance of the unrestricted fair market value which shall be determined at the time of the release.

**CONVEYANCE OF  
3136 SW 9<sup>th</sup> STREET  
EXCESS CITY OWNED PROPERTY  
TO ADJOINING TITLEHOLDER  
PAUL A. & DONNA J. STEFFENSEN**



**PREVIOUS COUNCIL ACTION(S):**

Date: November 7, 2011

Roll Call Number: 11-1864

Action: [On](#) vacation and conveyance of excess right-of-way located at 3136 SW 9th Street to Paul A. & Donna J. Steffensen, \$5,000, (11-21-11). Moved by Mahaffey to adopt. Motion Carried 7-0.

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

Date: November 7, 1985

Roll Call Number: N/A

Action: Approval of request for the conveyance of City-owned property in the vicinity of SW 9<sup>th</sup> and Boulder Avenue.

**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).