 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> April 9, 2012
	<b>Agenda Item No.</b> 42 <b>Roll Call No.</b> [ _____ ] <b>Communication No.</b> <u>12-162</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hearing for vacation and conveyance of a portion of SE 21st Court and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court to Available Material Handling LLC (AMH) for \$3,500.

**SYNOPSIS:**

Recommend approval for vacation and conveyance of a portion of SE 21st Court and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court to Available Material Handling LLC (AMH), Tony Holt, President, 20 E 18th St, Des Moines, Iowa 50316, for \$3,500. 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, except for reservation of a utility easement. The conveyance of this property will return it to the tax rolls and will help reduce the City’s cost of ownership of excess land.

**FISCAL IMPACT:**

Amount: \$3,500 (Revenue)

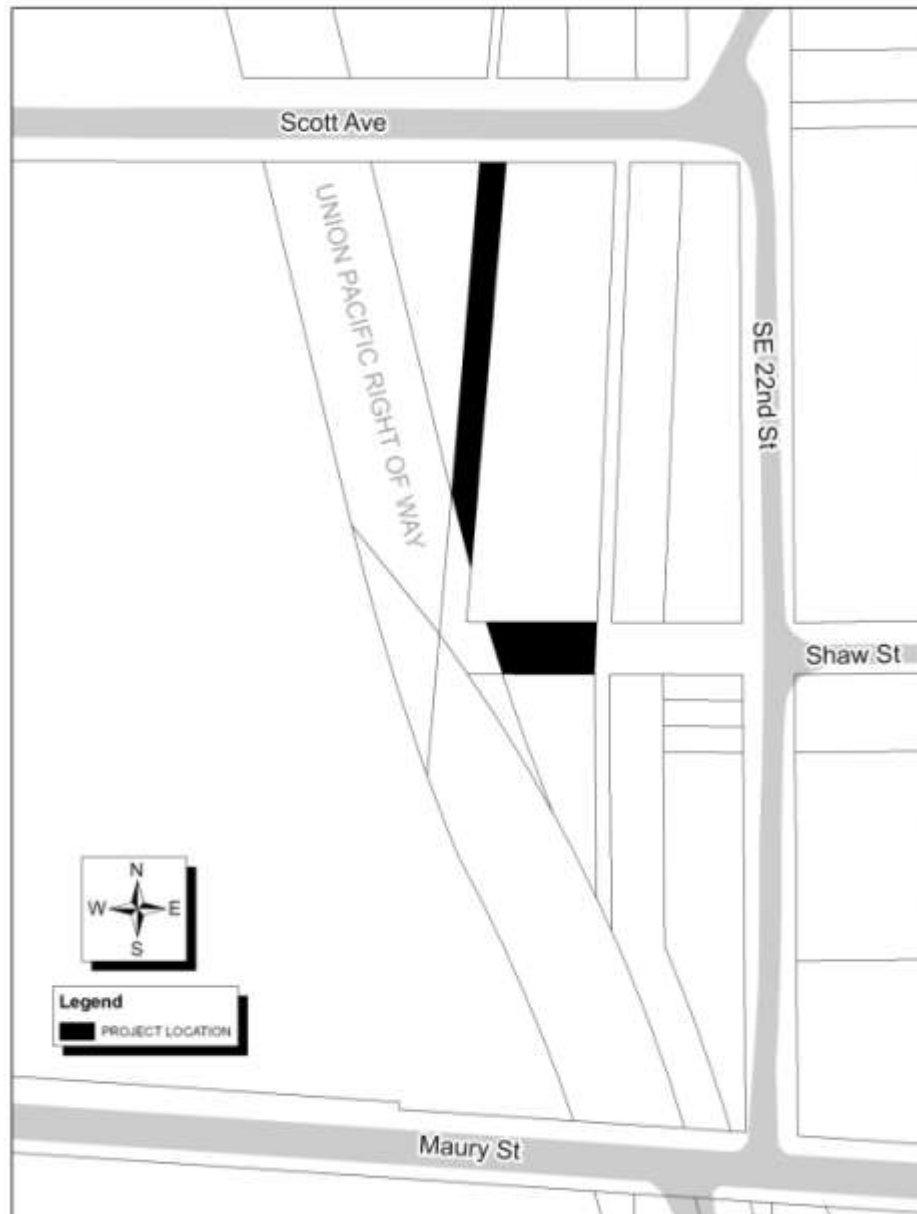
Funding Source: Sale proceeds will be deposited into the Property Maintenance Endowment Fund, SP767, ENG980500. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001, ENG040700) to offset the operating budget of the Engineering – Real Estate Division.

**ADDITIONAL INFORMATION:**

On February 27, 2012, by Roll Call No. 12-0278, the City Council received a recommendation from the Plan and Zoning Commission that a portion of SE 21st Court from Scott Avenue to the Union Pacific Railroad and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court from the Union Pacific Railroad to the north/south alley, be vacated and conveyed to Available Material Handling LLC, (AMH) subject to reservation of easements for all public utilities in place and subject to conformance with an approved Site Plan for the existing non-conforming contractor’s storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.

AMH is the adjoining titleholder and has agreed to purchase the above right-of-ways, subject to the above restrictions. AMH will use the land as assemblage to their existing site for development of a container equipment business. AMH purchased the adjoining property at 607 SE 21st Court in December 2010 with an order by the DNR to clean up debris and illegal dumping that had occurred

under previous ownerships. Since that time AMH has worked to legally dispose of all illegally dumped material. The purchase price of \$3,500 is equal to the estimated fair market value of the right-of-ways as determined by the City's Real Estate Division. There is no anticipated current or future public need for this property, except that the City will reserve an easement upon the property for the continued use and maintenance of any utilities now in place. The closing will not occur until the final site plan is approved by the City's Permit and Development Division.



**PREVIOUS COUNCIL ACTION(S):**

Date: February 27, 2012

Roll Call Number: 12-0278

Action: Regarding request from Available Material Handling, LLC for vacation of the following public street segments to assemble with adjoining property at 607 SE 21st Court, subject to conditions: Moved by Meyer to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

(A) Shaw Street from Union Pacific Railroad to north/south alley.

(B) SE 21st Court from Scott Avenue to the Union Pacific Railroad.

Date: March 26, 2012

Roll Call Number: 12-0455

Action: On vacation and conveyance of a portion of SE 21st Court and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court to Available Material Handling LLC for \$3,500, (4-9-12). Moved by Hensley to adopt. Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: February 2, 2012

Resolution Number: 11-2012-1.01

Action: Request from Available Material Handling, LLC (owner) 607 Southeast 27th Court, represented by Anthony Holt (officer) for vacation of the following public street segments to assemble with adjoining property for site development:

A) Shaw Street from the Norfolk Southern Railroad to the north/south alley.

B) Southeast 21st Court from Scott Avenue to the Norfolk Southern Railroad.

**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).