

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 23, 2012
	Agenda Item No. 11 Roll Call No. <u>12-598</u> Communication No. <u>12-183</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Resolution approving issuance of a quit claim deed for vacated property adjoining 523 Waterbury Circle to Shannon M. Musgrave and Kurt P. Musgrave for \$100.

SYNOPSIS:

Recommend approval for issuance of a quit claim deed for vacated property adjoining 523 Waterbury Circle to Shannon M. Musgrave and Kurt P. Musgrave 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, 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: \$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 April 21, 1986, by Roll Call No. 86-1744, the City Council approved Ordinance No. 10,788 vacating the West 30.0 feet of 59th Street right-of-way and the North 30.0 feet of Ingersoll Avenue right-of-way between Walnut Hill Avenue and 56th Street; and on March 12, 2007, by Roll Call No. 07-480, the City Council approved the sale of the portion of the alley adjoining 523 Waterbury Circle, more specifically described below, to Jack T. and Eileen K. Britton for \$100, but the transaction was not completed by the Brittons and payment of the \$100 consideration was not made.

Shannon M. Musgrave and Kurt P. Musgrave are now the owners of the property locally known as 523 Waterbury Circle and have held possession of such property since 2010. The Musgrave’s have requested that the City issue to them a Replacement Quit Claim Deed for the adjoining vacated right-of-way, in exchange for payment to the City of the consideration of \$100 as required of the Brittons by Roll Call No. 07-480, to remedy a title objection that has arisen from the unrecorded deed to Jack T. and Eileen K. Britton.

The purchase price of \$100 is equal to the estimated fair market value of the vacated property 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.



PREVIOUS COUNCIL ACTION(S):

Date: March 12, 2007

Roll Call Number: 07-480

Action: [On](#) conveyance of previously vacated west 30 feet of 59th Street and the north 30 feet Ingersoll Avenue, between Walnut Hill Avenue and 56th Street to adjoining property owners, \$2,250. ([Council Communication No. 07-129](#)) Moved by Hensley to adopt. Motion Carried 6-1

Date: April 21, 1986

Roll Call Number: 86-1744

Action: Vacation of West 30 Feet of 59th Street right-of-way and the North 30.0 feet of Ingersoll Avenue right-of-way between Walnut Hill Avenue and 56th Street.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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