 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 23, 2012
	Agenda Item No. 38 Roll Call No. <u>12-631</u> Communication No. <u>12-185</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of the north/south alley lying between SW 9th Street and SW 12th Street and running from Virginia Avenue to Pleasant View Drive to multiple property owners for \$300.

SYNOPSIS:

Recommend approval for vacation and conveyance of the north/south alley between SW 9th Street and SW 12th Street and running from Virginia Avenue and Pleasant View Drive to multiple property owners for \$300. 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: \$300 (Revenue)

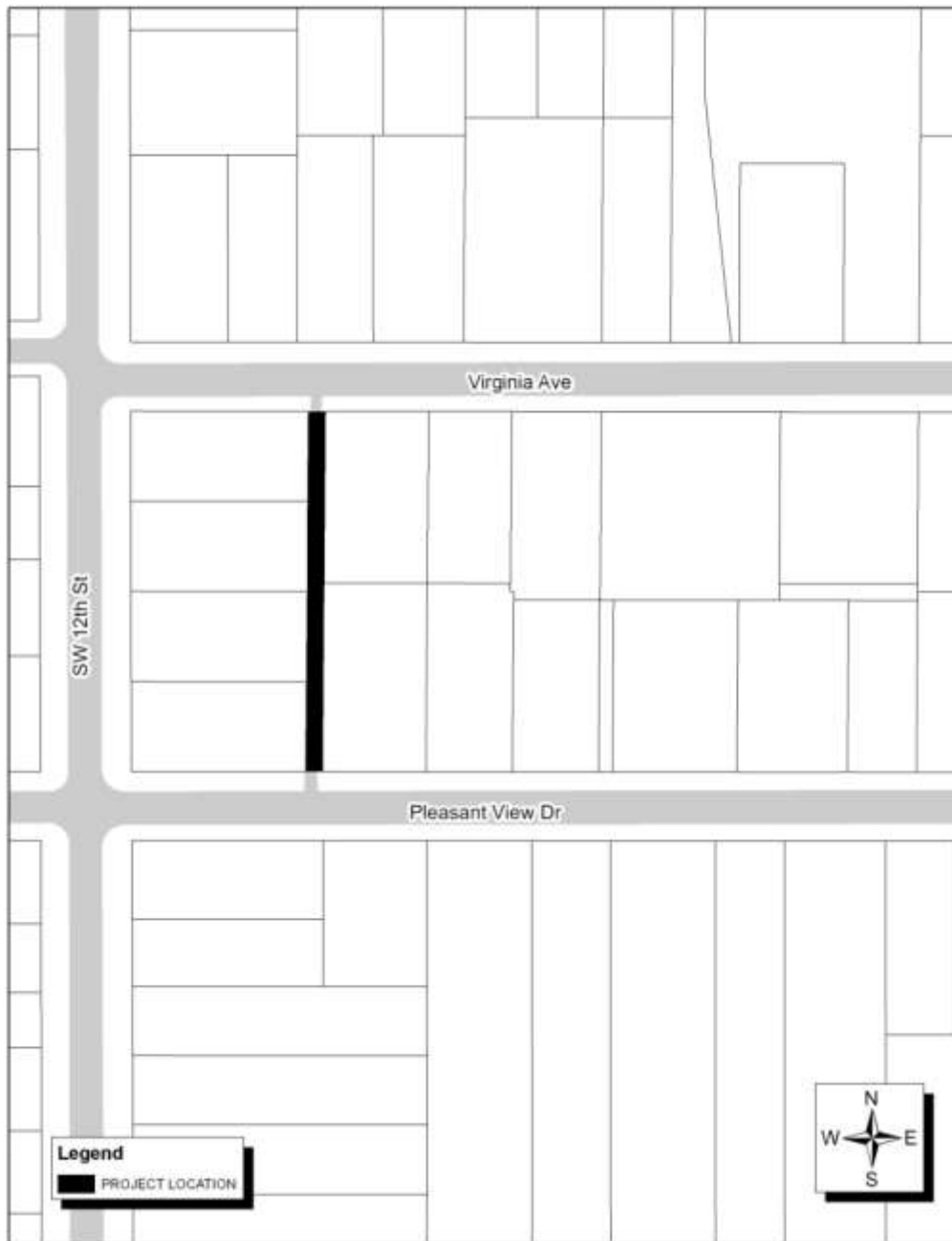
Funding Source: Sale proceeds will be deposited into the Property Maintenance Endowment Fund, SP767, ENG980500. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001, ENG040700) to offset the operating budget of the Engineering –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

ADDITIONAL INFORMATION:

On September 12, 2011, by Roll Call No. 11-1572, the City Council received a recommendation from the Plan and Zoning Commission that the north/south alley between SW 9th Street and SW 12th Street from Virginia Avenue to Pleasant View Drive be vacated for conveyance to multiple adjoining property owners, subject to reservation of easements for all public utilities in place and for restricted public access over the southern half of the alley.

Jennifer and Jeremy Kerns, 1122 SW Virginia Avenue; Maureen Petet, 1123 Pleasant View Drive; and Braxton Pulley 3015 SW 12th Street are the adjoining titleholder(s) and have agreed to purchase the above right-of-ways, subject to the above restrictions. They will use the land as assemblage to their single family site(s) for driveway access. The purchase price of \$300 (\$150 Kerns, \$75 Petet, and \$75 Pulley) 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.



PREVIOUS COUNCIL ACTION(S):

Date: April 9, 2012

Roll Call Number: 11-1572

Action: On vacation and conveyance of the north/south alley lying between SW 9th Street and SW 12th Street and running from Virginia Avenue to Pleasant View Drive to multiple property owners, \$300 total, (4-23-12). Moved by Hensley to adopt. Motion Carried 7-0.

Date: September 12, 2011

Roll Call Number: 11-1572

Action: [Regarding](#) request from Jeremy and Jennifer Kerns for vacation of north/south alley between SW 9th Street and SW 12th Street from Virginia Avenue to Pleasant View Drive, subject to conditions. Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: September 1, 2011

Resolution Number: 11-2012-1.10

Action: Staff recommendation to approve the vacation of the requested alley rights-of-way subject to the following conditions: 1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense; 2. Reservation of a public access easement over the southern half of the vacated alley to allow use for access to adjoining loading and off-street parking.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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