

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 11, 2012
	Agenda Item No. 53 Roll Call No. <u>12-0925</u> Communication No. <u>12-286</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing for conveyance of vacated SW 42nd Street and vacated Mahaska Parkway located south of Glenview Drive and River Oaks Drive to Sue Ann Cornick, Trustee of the Sue Ann Cornick Revocable Trust for \$200, to Kelly S. Stiles for \$400, and to Sarah R. Wells for \$400.

SYNOPSIS:

Recommend approval for conveyance of vacated SW 42nd Street to Sue Ann Cornick, Trustee of the Sue Ann Cornick Revocable Trust, 624 Glendale Drive for \$200, to Kelly S. Stiles, 736 SW 42nd Street for \$400, and to Sara Wells, 4130 River Oaks Drive for \$400. The City vacated the section of SW 42nd Street shown in the map below in 1982 and entered into leases with the adjoining owners for the western portion of vacated SW 42nd Street for driveway access and side yard uses. The conveyances being considered will extinguish the existing leases and will be subject to various deed restrictions in favor of the city should the property or any part thereof be needed for a future public purpose. There is no current or anticipated future public need for this property and the City will not be inconvenienced by the sale of the property. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

FISCAL IMPACT:

Amount: \$1,000 (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:

On March 15, 1982, by Roll Call No. 82-1015, the City Council vacated and leased a section of SW 42nd Street to the adjoining property owners for the western portion of the property. Said leases were renewed by City Council on March 18, 2002 by Roll Call No. 02-742 for an additional 20 years. Sue Ann Cornick, Trustee of the Sue Ann Cornick Revocable Trust, Kelly S. Stiles, and Sarah R. Wells are the current adjoining owners to the vacated right-of-way and have offered the City of Des Moines the total purchase price of \$1,000 for expansion of their residential yards and for driveway access. Kelly Stiles is in the process of selling her home at 736 SW 42nd Street and will transfer her portion of the vacated right-of-way to the new owners following closing on the transaction with the City. The

purchase price reflects the restricted-use fair market value of the conveyance interest(s) as currently estimated by the City's Real Estate Division.



Date: May 21, 2012

Roll Call Number: [12-0781](#)

Action: [On](#) conveyance of vacated SW 42nd Street and vacated Mahaska Parkway located south of Glenview Drive and River Oaks Drive to Sue Ann Cornick, Trustee of the Sue A. Cornick Revocable Trust, \$200, Kelly S. Stiles, \$400 and Sara R. Wells, \$400, (6-11-12). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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