

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 13, 2012
	<b>Agenda Item No.</b> 56 <b>Roll Call No.</b> <u>12-1297</u> <b>Communication No.</b> <u>12-423</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for conveyance of a vacated dead end segment of Merced Drive and a vacated dead end segment of 30th Street adjoining 2996 Merced Drive to Michael R. and Marlene L. Emery for \$200.

**SYNOPSIS:**

Recommend conveyance of such property to Michael R. and Marlene L. Emery, 2996 Merced Drive, Des Moines, Iowa, 50310, for \$200. 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 retention of various easements as outlined below.

**FISCAL IMPACT:**

Amount: \$200 (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 October 11, 2010, by Roll Call Nos. 10-1684 and 10-1686, the City Council approved Ordinance No. 14,964 vacating a dead end segment of Merced Drive and a dead end segment of 30th Street running south of Merced Drive, subject to the City Plan and Zoning Commission recommendation that the vacation be subject to reservation of easements for all utilities in place and reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn Park to the west at such time as it may be developed and for access to underground utilities.

The size of the property to be conveyed is approximately 6,379 square feet. The property is being sold subject to the easement conditions listed above. Michael L. and Marlene L. Emery have submitted an offer to purchase the above referenced property for \$200, which is equal to the estimated restricted-use fair market value. The purchase of this property will allow the buyer to assemble the vacated street right-of-way for expansion of their adjoining residential property.

**PREVIOUS COUNCIL ACTION(S):**

Date: October 11, 2010

Roll Call Number: [10-1686](#)

Action: [Final](#) consideration of ordinance above (waiver requested by City Engineer), requires six votes. Moved by Griess that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,964](#). Motion Carried 7-0.

Date: October 11, 2010

Roll Call Number: [10-1685](#)

Action: [First](#) consideration of ordinance above. Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Date: October 11, 2010

Roll Call Number: [10-1684](#)

Action: [On](#) vacation of dead-end segment of Merced Drive and a dead-end segment of 30th Street, south of Merced Drive. Moved by Griess to adopt. Motion Carried 7-0.

Date: September 13, 2010

Roll Call Number: [10-1451](#)

Action: [Regarding](#) City Council initiated request for vacation of a dead end segment of Merced Drive and a dead end segment of 30th Street running south of Merced Drive, subject to conditions. Moved by Hensley 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 2, 2010

Resolution Number: 11-2010-1.09

Action: City Council initiated request for vacation of a dead end segment of Merced Drive and a dead end segment of 30th Street running south of Merced Drive. Both segments adjoin the property at 2996 Merced Drive and are determined to be right-of-way not necessary to maintain the developed cul-de-sac turnaround. 11-2010-1.09

**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).