 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 25, 2013
	Agenda Item No.	35
	Roll Call No.	<u>13-0338</u>
	Communication No.	<u>13-080</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of the west 15 feet of 24th Drive between Franklin Avenue and Washington Avenue to Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust, for \$350.

SYNOPSIS:

Recommend approval of vacation and conveyance of the west 15 feet of 24th Drive between Franklin Avenue and Washington Avenue to Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust, 1700 24th Street, Des Moines, Iowa, 50310, for \$350. This action is required by Iowa law prior to making a final determination on the proposed vacation and sale by resolution.

The buyer will use the property for construction of a fence and residential side yard expansion. City staff has worked with the buyer and other interested parties from the neighborhood to resolve any issues with fence design and use of the property. There is no current or anticipated public need for this property and the sale of the property will help reduce the city’s ownership of excess land.

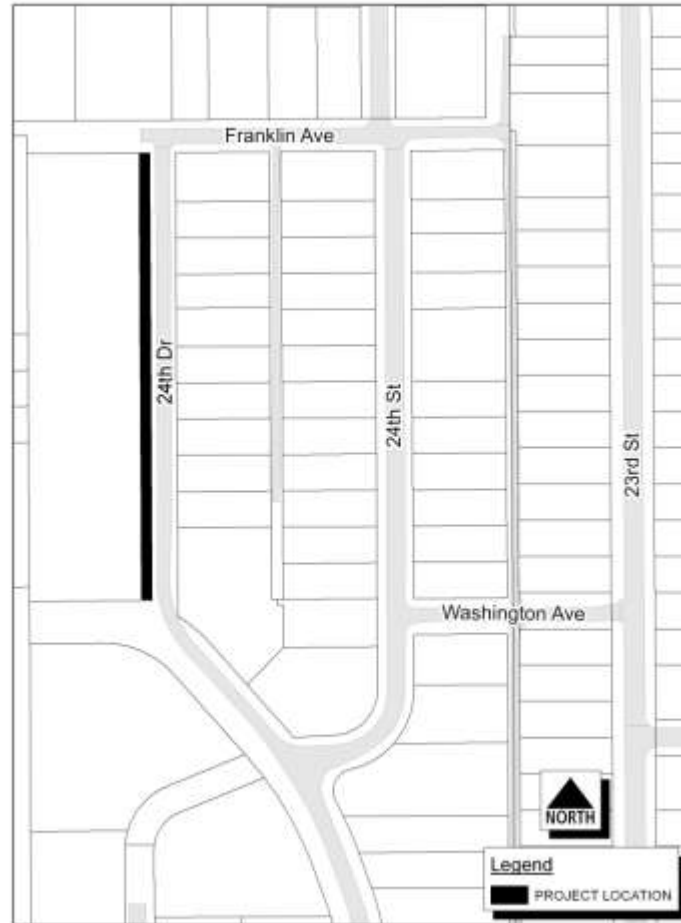
FISCAL IMPACT:

Amount: \$350 (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:

Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust, is the owner of 1700 24th Street and has agreed to purchase the west 15 feet of the adjoining 24th Street right-of-way for \$350. The property to be conveyed consists of approximately 9,570 square feet, and the purchase price of \$350 is equal to the estimated fair market value of the property as determined by the City’s Real Estate Division. There is no current or anticipated public need for this property, and the City’s conveyance of this property will allow the buyer to assemble the vacated right-of-way with existing property for fence construction and additional side yard.

**PREVIOUS COUNCIL ACTION(S):**

Date: February 11, 2013

Roll Call Number: [13-0204](#)

Action: [On](#) vacation and conveyance of the west 15 feet of 24th Drive between Franklin and Washington Avenue to Erich J. Riesenberg, Trustee of the Erich J. Riesenberg Living Trust for fence construction and residential side yard expansion, \$350, (2-25-13). Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 5, 2012

Roll Call Number: [12-1699](#)

Action: [Regarding](#) request from Erich J. Riesenberg Living Trust for vacation of the west 15 feet of 24th Drive between Franklin Avenue and Washington Avenue, subject to conditions. Moved by Griess to receive and file and refer to the Engineering Department, Real Estate Division; also, refer to the City Manager to work with the applicant on fence design requirements. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: October 18, 2012

Resolution Number: 11-2012-1.18

Action: Request from the Erich J. Riesenbergs Living Trust (owner), 1700 24th Drive, represented by Erich Riesenbergs for vacation of the west 15 feet of 24th Drive between Franklin Avenue and Washington Avenue.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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