 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	March 25, 2013
	Agenda Item No.	46
	Roll Call No.	<u>13-0498</u>
	Communication No.	<u>13-140</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing to correct vacation and conveyance of a portion of excess Southeast 18th Street right-of-way to Amend Packing Company for \$5,450.

SYNOPSIS:

Recommend approval for corrected vacation and conveyance of a portion of Southeast 18th Street right-of-way to Amend Packing Company, Kent and Amy Wiese, owner-operators, 410 Southeast 18th Street, Des Moines, Iowa 50317, for \$5,450.

On January 28, 2013, City Council passed Ordinance No. 15,158, intending to vacate a portion of Southeast 18th Street right-of-way adjoining 410 Southeast 18th Street. City Council also approved the sale and conveyance of such vacated right-of-way to Amend Packing Company for \$5,450, subject to retention by the City of a permanent easement for access to retaining wall and underground utilities north of said right-of-way. When the Vacation Ordinance was recorded, the Polk County Auditor determined that the legal description contained an error which must be corrected in order to effectuate the proposed vacation and conveyance to Amend Packing Company.

This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The sale of this portion of excess property will help minimize the impacts to Amend Packing Company's business after the City's partial acquisition of their property for the Southeast Connector Project.

FISCAL IMPACT:

Amount: \$5,450 (Revenue)

Funding Source: Sale proceeds will be deposited into the following account: 2013-2014 CIP, Page Street-36, Southeast Connector – S.E. 14th Street to S.E. 30th Street, STR 249.

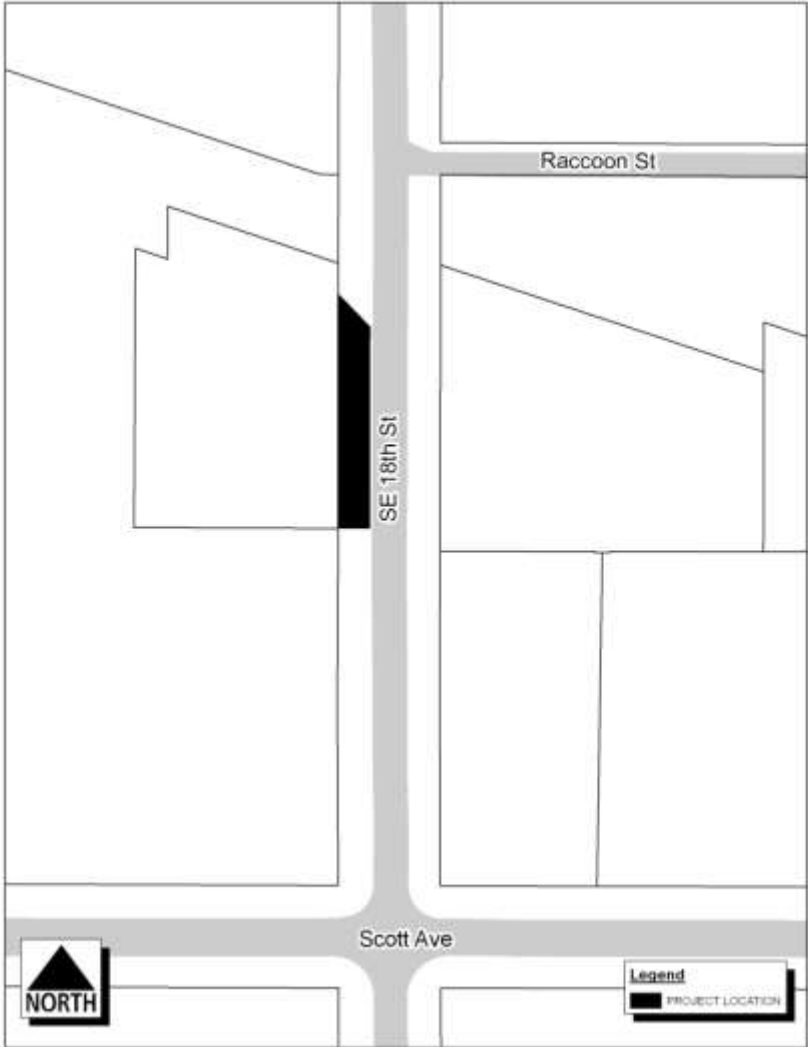
ADDITIONAL INFORMATION:

As part of the Southeast Connector Project, Southeast 18th Street will be reconstructed and the City Engineer has determined that the westerly portion Southeast 18th Street adjoining Amend Packing Company is no longer being needed for right-of-way purposes and may be declared as excess land.

The City needs to acquire a portion of the Amend Packing property for the Southeast Connector Project and City staff has negotiated a settlement agreement, which includes the sale of adjoining excess

Southeast 18th Street right-of-way for the amount of \$5,450. The conveyance of said excess right-of-way will allow assemblage with Amend Packing Company’s property and will help offset property impacts due to the additional right-of-way conveyed to the City for the Southeast Connector project. The purchase price of \$5,450 reflects the fair market value as currently estimated by the City’s Real Estate Division.

On January 28, 2013, by Roll Call No. 13-0147, City Council passed Ordinance No. 15,158, intending to vacate the above described Southeast 18th Street right-of-way. City Council also approved the sale and conveyance of such vacated Southeast 18th Street right-of-way to Amend Packing Company for \$5,450, subject to retention by the City of a permanent easement for access to retaining wall and underground utilities north of said right-of-way. Upon recording of the Vacation Ordinance, the Polk County Auditor determined that the legal description contained an error which must be corrected in order to effectuate the proposed vacation and conveyance to Amend Packing Company.



PREVIOUS COUNCIL ACTION(S):

Date: January 28, 2013

Roll Call Number: 13-0147

Action: [Final](#) consideration of ordinance above (waiver requested by Amend Packing Co.), requires six votes. Moved by Meyer 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, [#15,158](#). Motion Carried 6-1. Absent: Coleman.

Date: January 28, 2013

Roll Call Number: [13-0145](#)

Action: [On](#) vacation and conveyance of a portion of excess SE 18th Street right-of-way to Amend Packing Company, \$5,450. ([Council Communication No. 13-023](#)). Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.

Date: January 14, 2013

Roll Call Number: [13-0028](#)

Action: [On](#) set hearing for vacation and conveyance of a portion of S.E. 18th Street right-of-way to Amend Packing Company for \$5,450. Moved by Moore to adopt. Motion Carried 7-0.

Date: October 25, 2010

Roll Call Number: [10-1786](#)

Action: (B) [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the SE Connector – S.E. 14th Street to S.E. 30th Street. Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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