 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	May 20, 2013
	Agenda Item No.	11
	Roll Call No.	<u>13-774</u>
	Communication No.	<u>13-247</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Resolution rededicating a portion of the east/west alley extending east of East 4th Street between East Grand Avenue and East Locust Street for right-of-way purposes.

SYNOPSIS:

Recommend approval of resolution rededicating the east/west alley right-of-way extending east of East 4th Street between East Grand Avenue and East Locust Street. This action is required in order to rededicate the right-of-way for continued public use as a public alley.

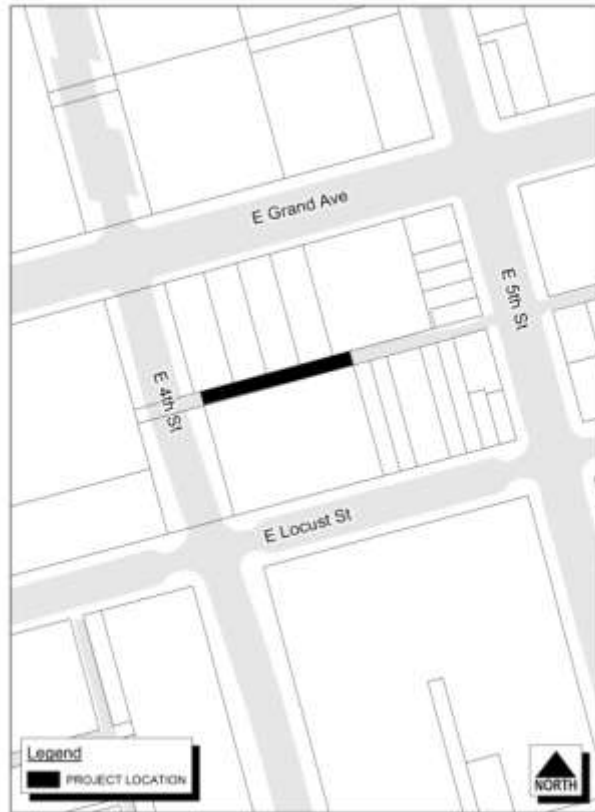
FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

On June 23, 2003, by Roll Call No. 03-1516, City Council held a public hearing at which it approved the vacation and conveyance of the east/west alley right-of-way extending east of East 4th Street between East Grand Avenue and East Locust Streets to SOHO Development, L.L.C. (SOHO) for \$31,200. Also on June 23, 2003, by Roll Call No. 03-1519, City Council passed Ordinance No. 14,249 vacating the alley right-of-way.

The alley right-of-way was to be used as the location for a ramp to serve the underground parking then proposed to be constructed under the SOHO Lofts. The SOHO Lofts project was completed without using the vacated alley and the alley was never conveyed to SOHO. The City maintains title to the alley and it continues to be used by the public and adjoining properties for vehicular and pedestrian access.

On April 5, 2012, SOHO Development, L.L.C. was given formal written Notice of Termination of the Offer to Buy Real Estate and Acceptance dated June 5, 2003. Pursuant to termination of the offer to purchase, and the continued public need for use of the alley, the alley requires rededication as public right-of-way.



PREVIOUS COUNCIL ACTION(S):

Date: June 23, 2003

Roll Call Number: 03-1519

Action: Final consideration of ordinance above, (waiver requested by applicant), requires six (6) votes. Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two (2) 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, [#14,249](#). Motion Carried 6-1.

Date: June 23, 2003

Roll Call Number: 03-1518

Action: First consideration of ordinance above. Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.

Date: June 23, 2003

Roll Call Number: 03-1517

Action: City Plan Commission recommendation to deny. Moved by Brooks to receive and file. Motion Carried 6-1.

Date: June 23, 2003

Roll Call Number: 03-1516

Action: On proposed vacation and conveyance of a portion of east/west alley extending from E. 4th between E. Grand Avenue and E. Locust Street adjoining Betts Hardware site to SOHO Development, L.L.C., \$31,200. Moved by Brooks to adopt. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S): NONE

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 first 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.