

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	September 9, 2013
	<b>Agenda Item No.</b>	<b>41</b>
	<b>Roll Call No.</b>	<b><u>13-1420</u></b>
	<b>Communication No.</b>	<b><u>13-455</u></b>
	<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310, and 1330 Keosauqua Way to Kum & Go, L.C. for \$13,010.

**SYNOPSIS:**

Recommend approval for vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310, and 1330 Keosauqua Way to Kum & Go, L.C. (Nick Halfhill, Officer, 6400 Westown Parkway, West Des Moines, Iowa, 50266) for \$13,010. This property is being requested for the purpose of allowing the right-of-way to be incorporated with adjoining properties for development of a Kum & Go Convenience Store. There is no current or anticipated public need for this property. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

**FISCAL IMPACT:**

Amount: \$13,010

Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

**ADDITIONAL INFORMATION:**

On August 26, 2013, City Council received a recommendation from the Plan and Zoning Commission to vacate segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310, and 1330 Keosauqua Way, as long as Kum & Go, L.C. would allow that space to be used for any future streetscape use by the City.

Kum & Go, L.C. is the purchaser of the properties locally known as 1300, 1310, and 1330 Keosauqua Way. They have offered the City of Des Moines the purchase price of \$13,010 for the vacation and purchase of the right-of-way for the purpose of allowing it to be incorporated with surrounding properties for development of a Kum & Go Convenience Store. The closing on the sale of this property will not take place until Kum & Go, L.C. can demonstrate ownership of the abutting properties. The sale will also be subject to the buyer allowing that space to be used for any future streetscape use by the City. The property to be conveyed consists of approximately 1301 square feet, and the purchase price of \$13,010 reflects the fair market value of the property as estimated by the City's Real Estate Division.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 26, 2013

Roll Call Number: [13-1321](#)

Action: [On](#) request from Kum & Go, LC to rezone property at 1300, 1310, and 1330 Keosauqua Way from "C-2" (General Retail and Highway Oriented Commercial District) to "PUD" (Planned Unit Development), subject to conditions (9-9-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: August 26, 2013

Roll Call Number: [13-1319](#) and [13-320](#)

Action: [Regarding](#) request from Kum & Go, LC to vacate segments of Keosauqua Way right-of-way adjoining property at 1300, 1310, and 1330 Keosauqua Way, subject to conditions. Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

- (A) Setting date of hearing for vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310, and 1330 Keosauqua Way to Kum & Go, LC, \$13,010, (9-9-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: August 15, 2013

Resolution Number: 11-2013-1.11

Action: Request from Kum & Go, LC (developer) represented by Nick Halfhill (officer) for the following actions related to rezoning property at 1300, 1310, and 1330 Keosauqua Way. The subject property is owned by Noel Chladek and David Hott.

A) Vacate an irregular segment of Keosauqua Way adjoining the northeasterly and east portions of the subject property comprising approximately 1,301 square feet (0.03 acres). (11-2013-1.11).

B) Determination as to whether the proposed rezoning is in conformance with the Des Moines' 2020 Community Character Plan.

C) Rezone property from "C-2" General Retail and Highway Oriented Commercial District to "PUD" Planned Unit Development. (ZON2013-00110).

D) Approval of a PUD Conceptual Plan "Kum & Go Store #536" for development of a 4,992-square foot gas station/convenience store with 16 fueling locations. The convenience store proposes to sell packaged wine and beer.

**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](mailto:cityclerk@dmgov.org).