

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 7, 2013
	Agenda Item No.	41
	Roll Call No.	<u>13-1584</u>
	Communication No.	<u>13-496</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hearing for vacation of a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue, and conveyance of a portion thereof to David A. Wright Trust and Katherine N. Sircy Trust for \$200 and conveyance of a portion thereof to Mary Beth Anzivino for \$200.

SYNOPSIS:

Recommend vacation of a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue and conveyance of a portion thereof to David A. Wright Trust and Katherine N. Sircy Trust, 4421 Franklin Avenue, Des Moines, Iowa, 50310 for \$200; and conveyance of a portion thereof to Mary Beth Anzivino, 4501 Franklin Avenue, Des Moines, Iowa, 50310 for \$200. This property is being requested for purchase to maintain an existing driveway and for residential side yard expansion. There is no known current or future 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: \$400 (Revenue)

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

ADDITIONAL INFORMATION:

On September 23, 2013, City Council received a recommendation from the Plan and Zoning Commission to vacate a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue, subject to reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.

The City-owned right-of-way to be vacated and conveyed is a 50-foot by 190.5-foot segment of land purchased for public right-of-way to extend 45th Street north to Franklin Avenue. The remaining land necessary for the extension of the street was never acquired and there are no longer any plans to extend 45th Street in this location. The west half of the subject right-of-way is used for a driveway serving the property at 4501 Franklin Avenue and the east half is undeveloped.

David A. Wright, Trustee of the David A. Wright Trust, and Katherine N. Sircy, Trustee of the Katherine N. Sircy Trust, are the owners of the property at 4421 Franklin Avenue. They have offered the City of Des Moines the purchase price of \$200 for the vacation and purchase of the east half of the

right-of-way that adjoins their property for the purpose of side yard expansion. The property to be conveyed consists of approximately 4,762.5 square feet, and the purchase price of \$200 reflects the fair market value of the property as estimated by the City's Real Estate Division.

Mary Beth Anzivino, the owner of the property at 4501 Franklin Avenue, has offered the City of Des Moines the purchase price of \$200 for the vacation and purchase of the west half of the right-of-way that adjoins her property. The property to be conveyed consists of approximately 4,762.5 square feet and will be used for the existing driveway and residential side yard expansion. The purchase price of \$200 reflects the fair market value of the property as estimated by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: September 23, 2013

Roll Call Number: [13-1472](#)

Action: [Setting](#) date of hearing on vacation and conveyance of a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue to David A. Wright Trust and Katherine N. Sircy Trust, \$200 and to Mary Beth Anzivino, \$200, (10-7-13). Moved by Meyer to adopt. Motion Carried 6-1.

Date: September 23, 2013

Roll Call Number: [13-1471](#)

Action: [Regarding](#) request from David Wright, 4421 Franklin Avenue, for vacation of a 50-foot by 190-foot segment of adjoining land, subject to conditions. Moved by Meyer to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: September 19, 2013

Resolution Number: 11-2013-1.12

Action: Recommend approval of a request from David Wright (owner), 4421 Franklin Avenue, for vacation of a 50-foot by 190-foot segment of adjoining land purchased for public right-of-way to extend 45th Street north of Franklin Avenue subject to reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.

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.