 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: October 7, 2013
	Agenda Item No. 42 Roll Call No. <u>13-1587</u> Communication No. <u>13-497</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hearing for vacation and conveyance of easement for use of air space over the north four (4) feet of East Locust Street adjoining 350 East Locust Street to East Village Growth Partners, LLC for \$1,000.

SYNOPSIS:

Recommend approval for vacation and conveyance of such easement to East Village Growth Partners, LLC, Tim Rypma, Manager, 2404 Forest Drive, Des Moines, Iowa, 50312, for construction and maintenance of private balconies connected to the building being constructed at 350 East Locust Street. There is no known current or future public need for the air space proposed to be vacated and conveyed. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

FISCAL IMPACT:

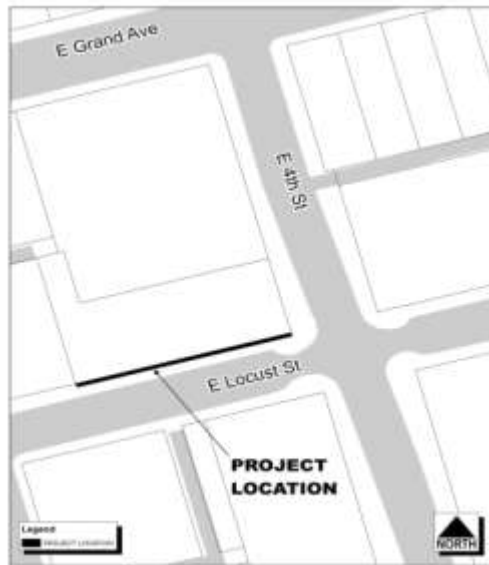
Amount: \$1,000 (Revenue)

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

ADDITIONAL INFORMATION:

On September 23, 2013, by Roll Call No. 13-1474, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air rights over the north four (4) feet of East Locust Street adjoining 350 East Locust Street be vacated to allow for private balconies connected to the building being constructed at 350 East Locust Street, subject to any balcony constructed and/or reconstructed shall be in accordance with the submitted elevations and site sketch, and any balcony constructed and/or reconstructed shall have a rounded top railing and/or no ledge.

East Village Growth Partners, LLC has plans to develop the property at 350 East Locust Street with a building that will contain two (2) floors of commercial space and 20 units of housing. They have offered the City of Des Moines the purchase price of \$1,000 for the vacation and purchase of an easement interest in air space along East Locust Street adjoining the property for construction and maintenance of private balconies. The air space easement consists of approximately 800 square feet and the purchase price reflects the fair market value of the easement as currently estimated by the City’s Real Estate Division. Closing on the easement is subject to design and site plan approval in accordance with the terms of the development agreement between the City and East Village Growth Partners, LLC.

**PREVIOUS COUNCIL ACTION(S):**

Date: September 23, 2013

Roll Call Number: [13-1476](#)

Action: [Approving](#) Community Development Block Grant Disaster Recovery Loan and Contract Documents with East Village Growth Partners, LLC for development of Locust House at 350 East Locust (Tim Rypma, Manager), \$3,000,000. ([Council Communication No. 13-489](#)) Moved by Meyer to adopt. Motion Carried 6-1.

Date: September 23, 2013

Roll Call Number: [13-1475](#)

Action: [Approving](#) Conceptual Development Plan, Evidence of Financing and Execution of Special Warranty Deed to East Village Growth Partners, LLC for Disposition Parcel No. 02-1A in the Metro Center Urban Renewal Project. Moved by Meyer to adopt. Motion Carried 6-1.

Date: September 23, 2013

Roll Call Number: [13-1474](#)

Action: [Recommendation](#) from City Plan & Zoning Commission. Moved by Meyer to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1.

Date: September 23, 2013

Roll Call Number: [13-1473](#)

Action: [On](#) vacation and conveyance of easements for use of air space over the north four feet of E. Locust Street adjoining 350 E. Locust Street to East Village Growth Partners, LLC, \$1,000, (10-7-13). Moved by Meyer to adopt. Motion Carried 6-1.

Date: July 29, 2013

Roll Call Number: [13-1205](#)

Action: [First](#) Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment with East Village Growth Partners, LLC – Development of Disposition Parcel No. 02-1A in Metro Center Urban Renewal Area (350 E. Locust Street) to extend the time period for closing on the sale of the property. ([Council Communication No. 13-392](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: March 11, 2013

Roll Call Number: [13-0421](#)

Action: [On](#) Urban Renewal Agreement for the sale of land for private redevelopment with East Village Growth Partners, LLC to develop Disposition Parcel No. 02-1A in the Metro Center Urban Renewal Area, (north of E. Locust and west of E. 4th Street). ([Council Communication No. 13-120](#)) Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: September 19, 2013

Resolution Number: 11-2013-1.15

Action: Recommend approval of a request from East Village Growth Partners, LLC (purchaser) represented by Tim Rypma (officer), the City of Des Moines (owner) for vacation of air rights over north four (4) feet of East Locust Street adjoining and to the south of the subject property located at 350 East Locust Street, subject to (1) any balcony constructed shall generally be in accordance with the submitted building elevations and site sketch, and (2) any balcony constructed shall have a rounded top railing and/or no ledge.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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