

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b> October 21, 2013
	<b>Agenda Item No.</b> 47 <b>Roll Call No.</b> <u>13-1675</u> <b>Communication No.</b> <u>13-512</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E.,</b> <b>City Engineer</b>

**AGENDA HEADING:**

Hearing for vacation and conveyance of a portion of undeveloped Franklin Avenue between 24th Drive and 26th Street to Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust, for \$375.

**SYNOPSIS:**

Recommend approval of vacation and conveyance of a portion of undeveloped Franklin Avenue between 24th Drive and 26th Street to Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust, 1700 24th Street, Des Moines, Iowa, 50310, for \$375. This action is required by Iowa law prior to making a final determination on the proposed vacation and sale by resolution. There is no current or anticipated public need for this property and the sale of the property will help reduce the City’s ownership of excess land. The City’s conveyance of this property will allow the buyer to assemble the vacated right-of-way with existing property for additional side yard.

**FISCAL IMPACT:**

Amount: \$375 (Revenue)

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

**ADDITIONAL INFORMATION:**

Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust, is the owner of 1700 24th Street and has agreed to purchase a portion of undeveloped Franklin Avenue right-of-way adjoining his property between 24th Drive and 26th Street for \$375. The property to be conveyed consists of approximately 12,595 square feet, and the purchase price of \$375 is equal to the estimated fair market value of the property as determined by the City’s Real Estate Division. There is no current or anticipated public need for this property, and the City’s conveyance of this property will allow the buyer to assemble the vacated right-of-way with existing property for additional side yard.



**PREVIOUS COUNCIL ACTION(S):**

Date: October 7, 2013

Roll Call Number: [13-1556](#)

Action: [Setting](#) date of hearing for vacation and conveyance of a portion of undeveloped Franklin Avenue between 24th Drive and 26th Street to Erich J. Riesenberg, Trustee of the Erich J. Riesenberg Living Trust for fence construction and residential side yard expansion, \$375, (10-21-13). Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 29, 2013

Roll Call Number: [13-1196](#)

Action: [Regarding](#) request from Erich J. Riesenberg Living Trust for vacation of a portion of undeveloped Franklin Avenue between 24th Drive and 26th Street, subject to conditions. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

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

Board: City Plan and Zoning Commission

Date: July 18, 2013

Resolution Number: 11-2013-1.10

Action: Request from the Erich J. Riesenbergs Living Trust (owner), 1700 24<sup>th</sup> Drive, represented by Erich Riesenbergs for vacation of a portion of undeveloped Franklin Avenue between 24<sup>th</sup> Drive and 26<sup>th</sup> Street.

**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).