 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: October 21, 2013
	Agenda Item No. 46 Roll Call No. <u>13-1672</u> Communication No. <u>13-515</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hearing for vacation of City right-of-way and conveyance of a subsurface easement within SW 2nd Street and Market Street adjoining 101 SW 2nd Street to DSM Common, Inc. for \$3,342.

SYNOPSIS:

Recommend approval for vacation and conveyance of such easement to DSM Common, Inc., Balvant Patel, Director, 1702 Mount Pleasant Street, Suite 1, Burlington, Iowa, 52601, for using, repairing, and maintaining the footings and foundations extending from the adjoining parking garage at 101 SW 2nd Street. There is no current or anticipated public need for the easement area. This action is required by Iowa law prior to making a final determination on the proposed easement by resolution.

FISCAL IMPACT:

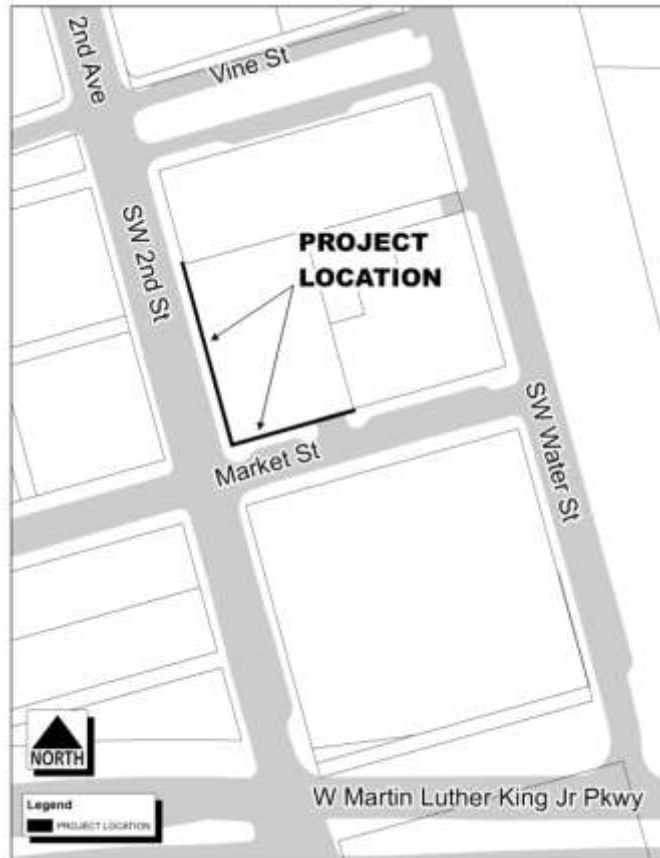
Amount: \$3,342 (Revenue)

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

ADDITIONAL INFORMATION:

DSM Common, Inc., the developer of property at 101 SW 2nd Street, has offered the City of Des Moines the purchase price of \$3,342 for a permanent subsurface easement along SW 2nd Street and Market Street. The easement area consists of approximately 1,114 square feet and is required for installation, operation and maintenance of footings for the parking garage being constructed at 101 SW 2nd Street.

Such subsurface portion of SW 2nd Street and Market Street has been determined by the City Engineer and City Traffic Engineer to have no significant impact upon the public use of SW 2nd Street or Market Street. The purchase price reflects the restricted-use fair market value of the easement interest as currently estimated by the City’s Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: October 7, 2013

Roll Call Number: [13-1557](#)

Action: [Setting](#) date of hearing for vacation and conveyance of a subsurface easement along SW 2nd Street and Market Street adjoining 101 SW 2nd Street to DSM Common, Inc. for \$3,342, (10-21-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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