 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 14, 2014
	Agenda Item No. 56 Roll Call No. <u>14-1094</u> Communication No. <u>14-341</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of air space over portions of East 5th Street and East Grand Avenue adjoining 505 East Grand Avenue, and for conveyance of an easement to 505 East Grand, LLC for \$3,885.

SYNOPSIS:

Recommend approval for vacation and conveyance of such easement to 505 East Grand, LLC (Jake Christensen, Officer, 506 3rd Street, Suite 300, Des Moines, Iowa, 50309) for the construction of overhang elements on a mixed-use building project to extend over the public sidewalks in East Grand Avenue and East 5th Street rights-of-way at a height of 10 feet above grade. There is no known current or future public need for the easement areas 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: \$3,885 (Revenue)

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

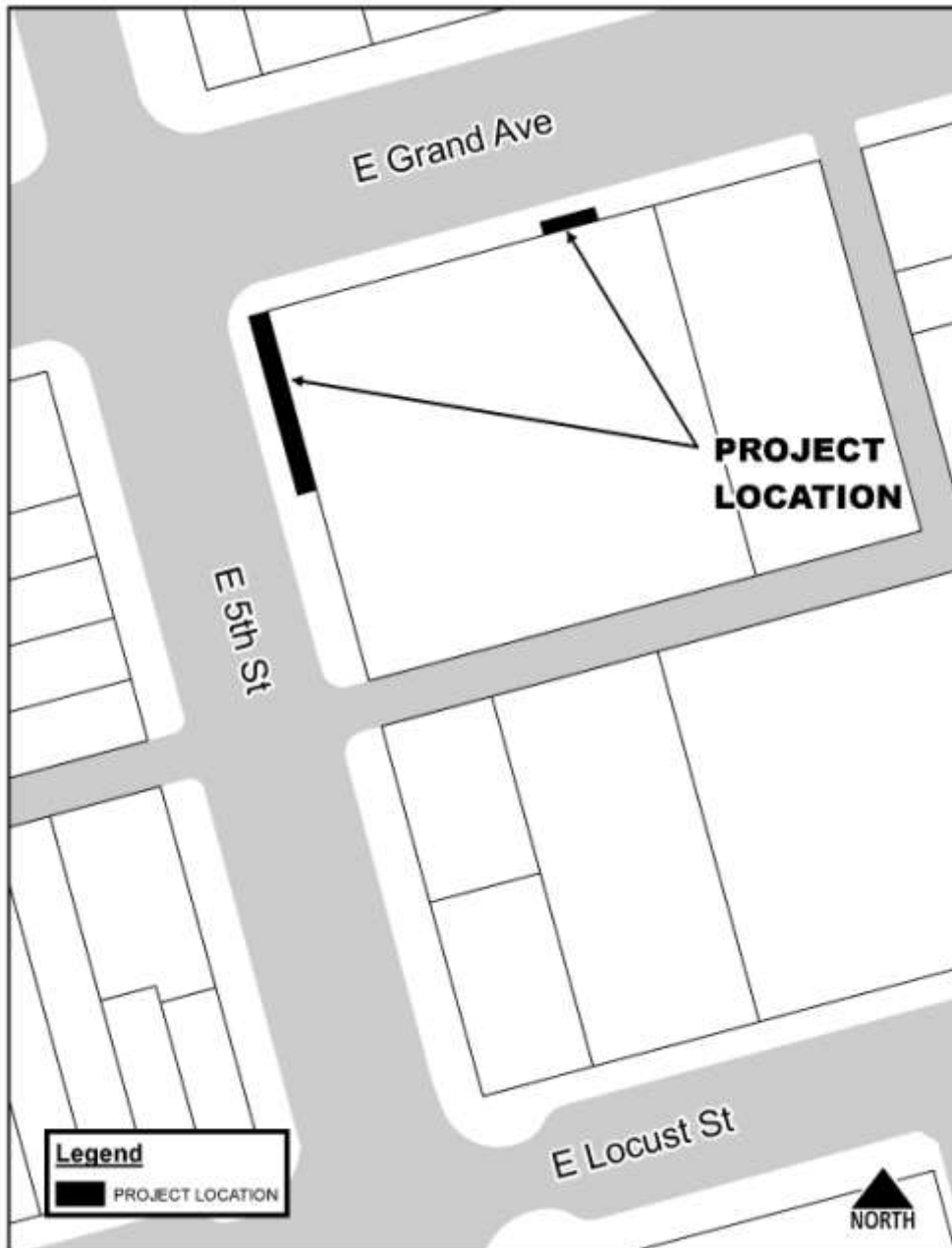
ADDITIONAL INFORMATION:

On June 9, 2014, by Roll Call No. 14-0850, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air space over East 5th Street and East Grand Avenue rights-of-way adjoining 505 East Grand Avenue, be vacated to allow for the construction of the overhang elements on the mixed-use building project. Vacation and conveyance of such easements is subject to the following conditions:

- 1) Any overhang elements shall generally be in accordance with the submitted building elevations and site sketch;
- 2) Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way; and
- 3) Compliance with street tree planting specifications approved by Permit and Development Center through a revised landscaping plan, and Tatarian Maple trees placed in planter beds at the approved locations.

505 East Grand, LLC is proposing to develop a 10,568-square-foot two-story, mixed-use building project on property it owns at 505 East Grand Avenue. The project will contain two (2) overhang elements, each ten feet over the public sidewalk right-of-way, one (1) on East 5th Street and the other on East Grand Avenue.

505 East Grand, LLC has offered to the City of Des Moines the purchase price of \$3,885 for the vacation and purchase of an Air Space Easement interest consisting of a total of 555-square-feet in portions of East 5th Street and East Grand Avenue rights-of-way. The purchase price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division. The vacation and conveyance of the above described easements shall be subject to the City Plan and Zoning Commission's recommendation, including the conditions listed above.



PREVIOUS COUNCIL ACTION(S):

Date: June 23, 2014

Roll Call Number: [14-0951](#)

Action: [On](#) vacation of air space over East 5th Street and East Grand Avenue adjoining 505 East Grand Avenue and for conveyance of easements to 505 East Grand, LLC, \$3,885, (7-14-14). Moved by Hensley to adopt. Motion Carried 5-0.

Date: June 9, 2014

Roll Call Number: [14-0850](#)

Action: [Recommendation](#) from Plan and Zoning Commission. Moved by Hensley 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: May 15, 2014

Resolution Number: 11-2014-1.03

Action: Request from 505 East Grand, LLC (owner), 505 East Grand Avenue, represented by Jake Christensen (member) for vacation of air rights over the East 5th Street and East Grand Avenue rights-of-way adjoining the subject property. This would allow for the construction of overhang elements on a mixed-use building project to extend over the public sidewalks in East Grand Avenue and East 5th Street rights-of-way at a height of 10 feet above grade. The project is proposed as part a mixed-use building project at 505 East Grand Avenue. (11-2014-1.03)

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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