 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	November 17, 2014
	Agenda Item No.	45
	Roll Call No.	<u>14-1800</u>
	Communication No.	<u>14-536</u>
	Submitted by:	Pamela S. Cooksey, P.E., Interim City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of a segment of east/west alley right-of-way lying south of and adjoining 215 East 3rd Street to 215 East 3rd Street, LLC for \$12,675.

SYNOPSIS:

Recommend approval for vacation and conveyance of a segment of east/west alley right-of-way lying south of and adjoining 215 East 3rd Street to 215 East 3rd Street, LLC (Jake Christenson, President and Manager, 506 3rd Street, Suite 200, Des Moines, IA 50309) for \$12,675. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. There is no current or anticipated public need for this property. The buyer will use the alley right-of-way for assemblage with the adjoining property that is being converted to a mix of commercial uses including offices, retail and restaurant or tavern, and off-street parking.

FISCAL IMPACT:

Amount: \$12,675 (Revenue)

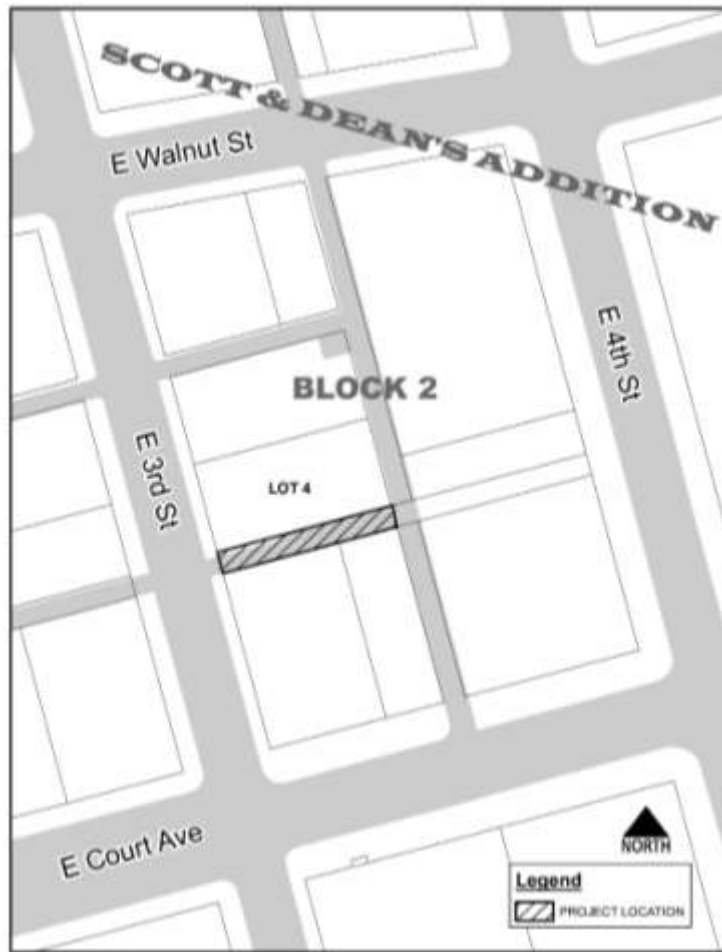
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

On November 3, 2014, the City Plan and Zoning Commission submitted to City Council a recommendation that a segment of the east/west alley right-of-way lying south of and adjoining 215 East 3rd Street (“City Right-of-Way”), be vacated subject to the reservation of a permanent easement upon the property for the continued use and maintenance of any existing encroachments and public utilities now in place.

215 East 3rd Street, LLC is the purchaser of the real property abutting the City Right-of-Way, locally known as 215 East 3rd Street. The City’s Real Estate Division has negotiated a purchase agreement with 215 East 3rd Street, LLC with a purchase price of \$12,675. The conveyance of the City Right-of-Way is subject to zoning compliance as approved by the City’s Permit & Development Center, and to compliance with a City-approved site plan, and further subject to a “No-Build Easement” prohibiting the construction of any improvements on the City Right-of-Way, except for paving, all of which are subject to City enforcement. The property to be conveyed consists of approximately 2,112 square feet, and the purchase price reflects the estimated restricted-use fair market value of the encumbered City

Right-of-Way as determined by the City's Real Estate Division. The no-build easement shall be removed upon the request and payment from Buyer of the balance of the unrestricted fair market value in the amount of \$19,005.



PREVIOUS COUNCIL ACTION(S):

Date: November 3, 2014

Roll Call Number: [14-1704](#)

Action: [Communication](#) from Plan and Zoning Commission. Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

Date: November 3, 2014

Roll Call Number: [14-1703](#)

Action: [On](#) vacation and conveyance of a segment of east/west alley right-of-way lying south of and adjoining 215 East 3rd Street to 215 East 3rd Street, LLC, \$12,675, (11-17-14). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: October 16, 2014

Resolution Number: 11-2014-1.11

Action: Recommend approval of a request from 215 East 3rd Street, LLC for vacation of the east/west alley right-of-way, located south of and adjoining 215 East 3rd Street, from East 3rd Street to the north/south alley.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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