 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> December 22, 2014
	<b>Agenda Item No.</b> 39 <b>Roll Call No.</b> <u>14-1960</u> <b>Communication No.</b> <u>14-588</u> <b>Submitted by:</b> Pamela S. Cooksey, P.E., Interim City Engineer

**AGENDA HEADING:**

Hold hearing on vacation of air space over portions of East Walnut Street and East 2nd Street rights-of-way adjoining 210 Walnut Street, and on conveyance of an easement therein to 201, LLC for \$866.

**SYNOPSIS:**

Recommend approval for vacation and conveyance of such easement to 201, LLC, Troy Hansen, Manager, 5665 Greendale Road, Suite A, Johnston, Iowa, 50131, for the construction of overhang extensions from the proposed multiple-family residential apartment building. 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:**

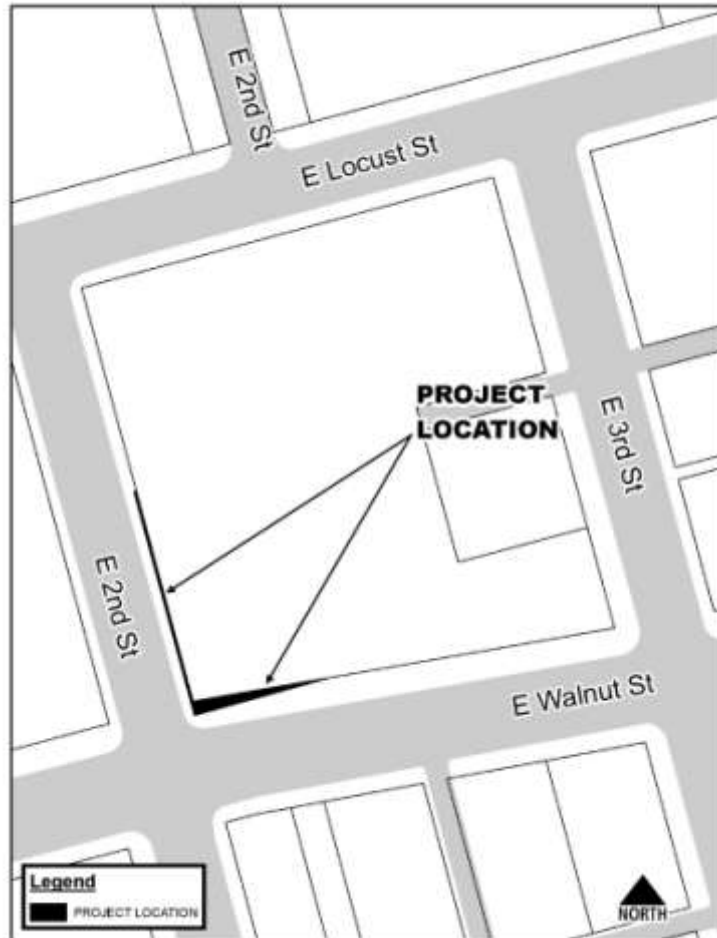
Amount: \$866 (Revenue)

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

**ADDITIONAL INFORMATION:**

On November 3, 2014, by Roll Call No. 14-1699, City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air space within the north 9.5-feet of East Walnut Street and within the east 2-feet of East 2nd Street, be vacated to allow for overhang extensions from the proposed multiple-family residential apartment building, subject to the condition that any overhang elements generally be in accordance with the submitted building elevations and site plan sketch.

201, LLC is proposing to construct a seven-story apartment building with 124 residential units fronting Walnut Street on property it owns at 210 Walnut Street. Portions of the building above the fourth story would extend out over the rights-of-way along East 2nd Street and East Walnut Street. 201, LLC has offered to the City of Des Moines the purchase price of \$866 for the vacation and purchase of an Air Space Easement consisting of 787-square-feet in portions of the East 2nd Street and East Walnut Street 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 conditions listed above.



**PREVIOUS COUNCIL ACTION(S):**

Date: December 8, 2014

Roll Call Number: [14-1848](#)

Action: [On](#) vacation of air space over portions of East Walnut Street and East 2nd Street rights-of-way adjoining 210 East Walnut Street, and for conveyance of an easement to 201, LLC for \$866.

Date: November 3, 2014

Roll Call Number: [14-1699](#)

Action: [Regarding](#) request from 201 East Locust Street, LLC, owner of 210 E. Walnut Street, for vacation of a portion of the air rights within the north 9.5-feet of E. Walnut Street and within the east 2-feet of E. 2nd Street adjoining the south and west side of the subject property to allow for roof overhang extensions from the proposed multiple-family residential apartment building. 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.

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

Board: Plan and Zoning Commission

Date: October 16, 2014

Resolution Number: 11-2014-1.13

Action: [Request](#) from 201 East Locust Street, LLC (owner) 210 East Walnut Street represented by Troy Hansen (officer) for vacation of a portion of the air rights within the north 9.5-feet of East Walnut Street and within the east 2-feet of East 2nd Street adjoining the south and west of the subject property, to allow for roof overhang extensions from the proposed multiple-family residential apartment building.

**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).