 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 23, 2015
	Agenda Item No.	47
	Roll Call No.	<u>15-0339</u>
	Communication No.	<u>15-080</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of E. 3rd Street right-of-way adjoining 215 E. 3rd Street and conveyance of a Permanent Encroachment Easement to 215 East 3rd Street, LLC, for \$100.

SYNOPSIS:

Recommend approval for vacation and conveyance of such easement to 215 East 3rd Street, LLC, Jake Christensen, President and Manager, 506 3rd Street, Des Moines, Iowa, 50309, to allow for out-swinging doors into the City right-of-way, and for the placement of decorative planters or other pedestrian barriers on the City right-of-way adjoining the real property locally known as 215 E. 3rd Street, Des Moines, Iowa. This portion of City right-of-way located west of and adjoining 215 E. 3rd Street has been determined by the City Engineer and City Traffic Engineer to have no significant impact upon the public use of E. 3rd Street, and the City will not be inconvenienced by the vacation and conveyance of the permanent encroachment easement. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

FISCAL IMPACT:

Amount: \$100 (Revenue)

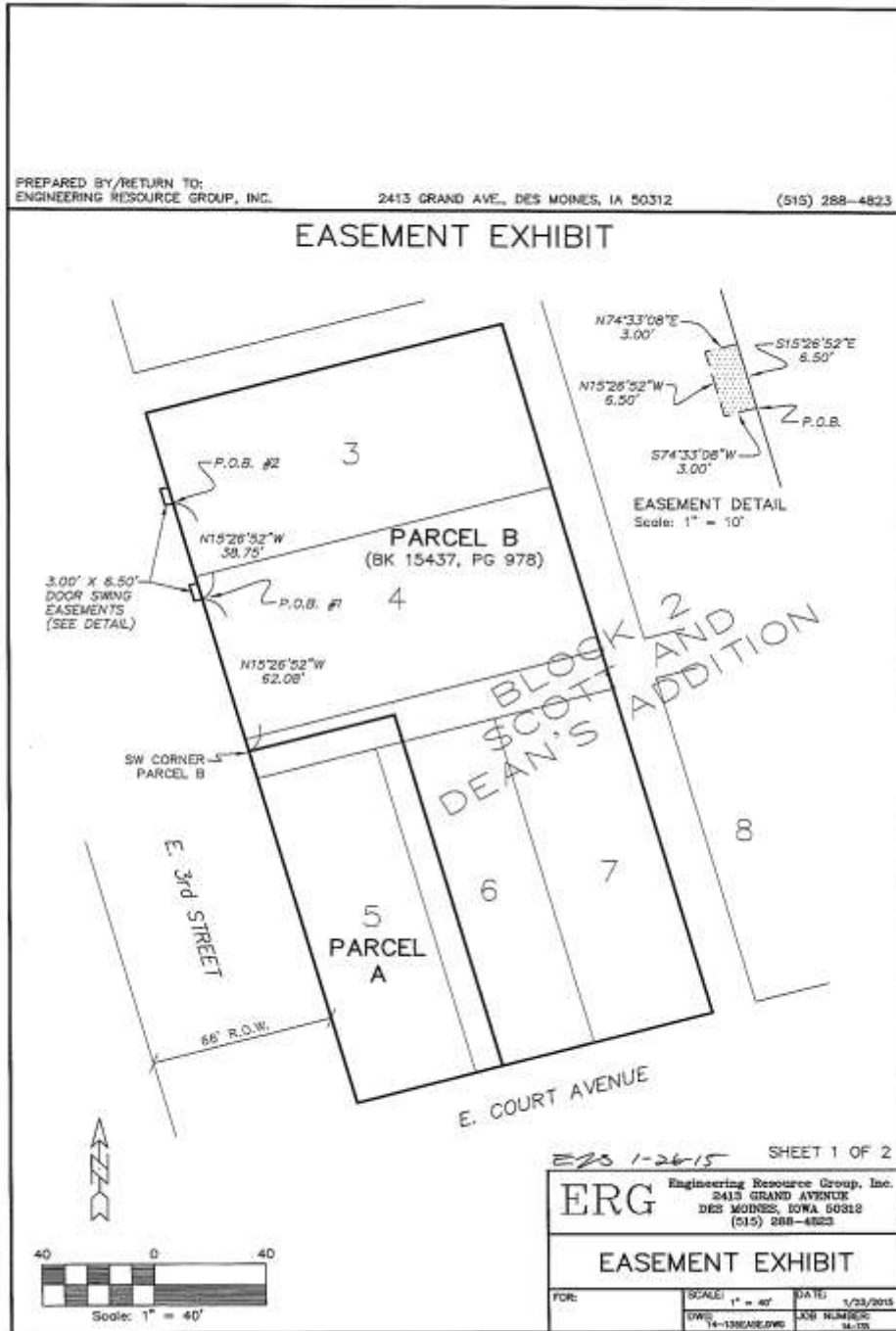
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

The owner of the building located at 215 E. 3rd Street is 215 East 3rd Street, LLC. The entry doors on the west side of the building, facing E. 3rd Street, open outward into the adjoining right-of-way creating a potential hazard to pedestrian traffic. 215 East 3rd Street, LLC has requested from the City of Des Moines a permanent encroachment easement that will allow the entry doors to continue to open into the right-of-way, and that will also allow them to place decorative planters or other approved barriers onto the easement area in order to direct pedestrian traffic away from the doors of 215 E. 3rd Street that opens out into the City right-of-way. This portion of City right-of-way located west of and adjoining 215 E. 3rd Street has been determined by the City Engineer and City Traffic Engineer to have no significant impact upon the public use of E. 3rd Street, and the City will not be inconvenienced by the vacation and conveyance of the permanent encroachment easement.

215 East 3rd Street, LLC has offered to the City of Des Moines the purchase price of \$100 for the vacation and purchase of a Non-Exclusive Permanent Encroachment Easement interest consisting of a

total of 58.5-square-feet in a portion of E. 3rd Street right-of-way. The purchase price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: February 9, 2015

Roll Call Number: [15-0204](#)

Action: [On](#) vacation of a portion of E. 3rd Street right-of-way adjoining 215 E. 3rd Street and conveyance of a permanent encroachment easement to 215 East 3rd Street, LLC, \$100, (2- 23-15). Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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