 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	June 22, 2015
	Agenda Item No.	51
	Roll Call No.	<u>15-1061</u>
	Communication No.	<u>15-330</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of surface and subsurface rights in portions of 4th Street, Court Avenue and 5th Avenue adjoining 420 Court Avenue and conveyance of surface and subsurface easements to 420 Court Avenue, LLC for \$15,280.

SYNOPSIS:

Recommend approval for vacation and conveyance of such easements to 420 Court Avenue, LLC, Gerard D. Neugent, Manager, 5000 Westown Pkwy, Suite 400, West Des Moines, Iowa, 50266, for the purpose of constructing and maintaining: 1) vendor area screen wall footings; 2) café patio retaining wall footings; 3) patio screen wall and guard rail footings; and 4) loading area screen wall and associated footings; all part of the construction and maintenance of a 4-story mixed-use development anchored by a full service grocery store, residential apartments and a 2-story parking structure on the real property locally known as 420 Court Avenue, Des Moines, Iowa. The City will not be inconvenienced by the use of the easement areas to be vacated and conveyed. This action is required by Iowa law prior to making a final determination on the proposed easement areas by resolution.

FISCAL IMPACT:

Amount: \$15,280 (Revenue)

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

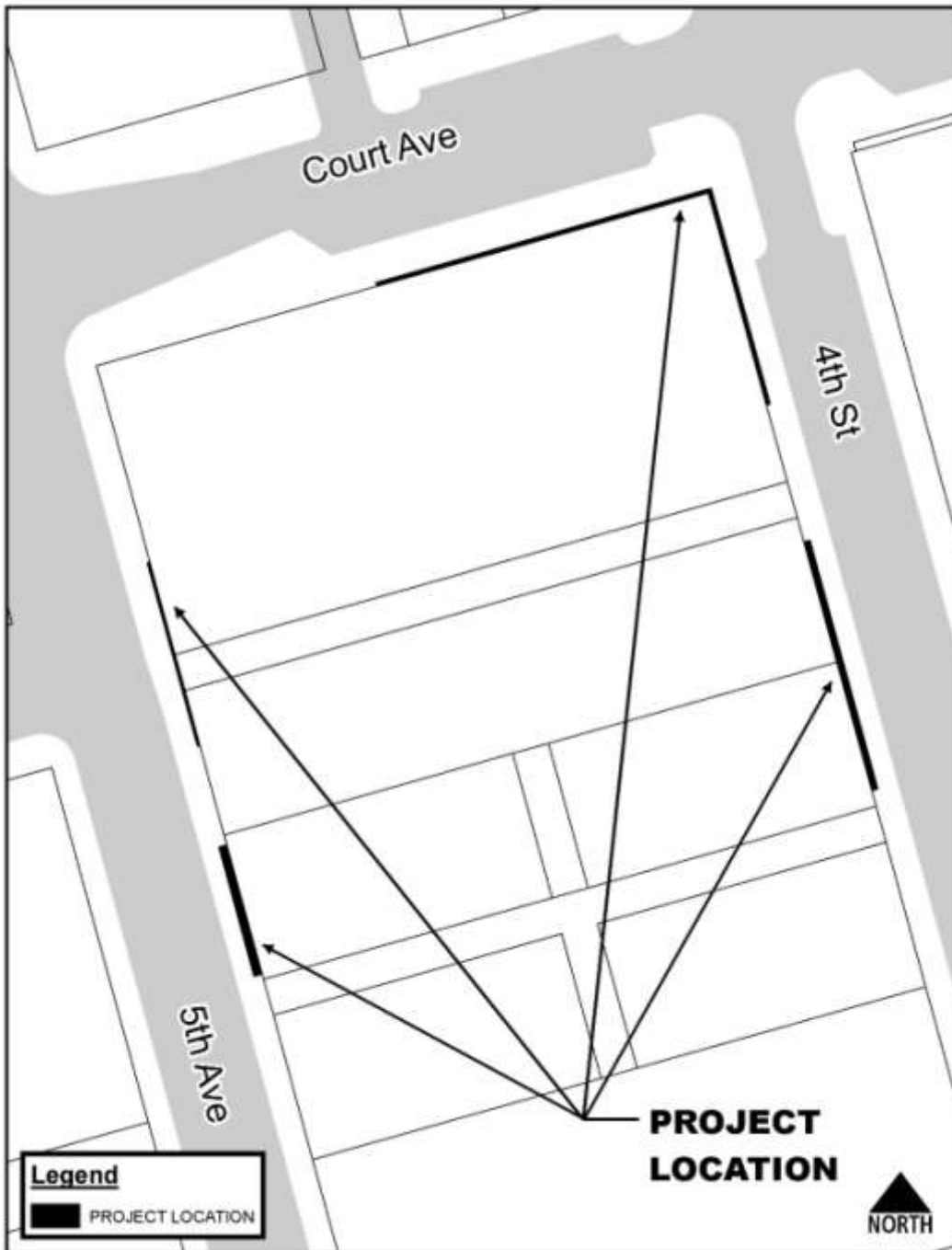
ADDITIONAL INFORMATION:

On April 6, 2015, by Roll Call No. 15-0629, the City Council approved the Urban Renewal Agreement for Sale of Land for Private Redevelopment between the City and 420 Court Avenue, LLC for the redevelopment of City-owned property located at 420 Court Avenue. The Urban Renewal Agreement includes the purchase of the real property locally known as 420 Court Avenue, which property abuts the City right-of-way along Court Avenue, 5th Avenue, and 4th Street. The redevelopment includes the construction of a full service grocery store, residential apartments, and a 2-story parking structure. The surface and subsurface encroachment easements are required for construction of various wall footings and screens.

420 Court Avenue, LLC has offered to the City of Des Moines the purchase price of \$15,280 for the vacation of the City right-of-way and purchase of a surface easement interest in portions of 5th Avenue right-of-way consisting of 240-square-feet, and subsurface encroachment easement interests in the

Court Avenue, 5th Avenue and 4th Street rights-of-way consisting of 1,219-square-feet, which purchase price reflects the fair market value of the easement areas as currently estimated by the City's Real Estate Division.

The vacation and conveyance of the above described easements is subject to 420 Court Avenue, LLC closing on and providing proof of ownership of the real property located at 420 Court Avenue, and subject to an approved site plan review by the City of Des Moines Permit and Development Center, and further subject to the special provisions of the Offer to Purchase Surface and Subsurface Rights and Acceptance. The City will not be inconvenienced by the use of the easement areas to be vacated and conveyed.



PREVIOUS COUNCIL ACTION(S):

Date: June 8, 2015

Roll Call Number: [15-0908](#)

Action: [On](#) vacation of surface and subsurface rights in portions of 4th Street, Court Avenue and 5th Avenue adjoining Court Avenue and conveyance of surface and subsurface easements to 420 Court Avenue, LLC, \$15,280, (6-22-15). Moved by Gatto to adopt. Motion Carried 7-0.

Date: May 18, 2015

Roll Call Number: [15-0805](#)

Action: [Regarding](#) request from Hy-Vee Inc. and Knapp Properties, Inc. to vacate portions of 4th Street, Court Avenue and 5th Avenue right-of-way adjoining 420 Court Avenue, subject to reservation of easements. 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: April 6, 2015

Roll Call Number: [15-0629](#)

Action: [On](#) Urban Renewal Agreement for sale of Land for Private Development, with 420 Court Avenue, LLC, for the sale and redevelopment of Disposition Parcel 99C at 420 Court Avenue, in the Metro Center Urban Renewal Area (Hy-Vee project). ([Council Communication No. 15-178](#)) Moved by Gatto to adopt. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: May 7, 2015

Resolution Number: 11-2015-1.03

Action: Recommend approval of the requested vacations of right-of-way subject to reservation of easements for any existing utilities.

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.