 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 13, 2015
	Agenda Item No. 54 Roll Call No. [_____] Communication No. <u>15-388</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27th Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25th Street to Drake University for \$116,500.

SYNOPSIS:

Recommend approval of conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27th Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25th Street to Drake University, Teresa Krejci, Associate Vice President for Finance and Administration, 2507 University Avenue, Des Moines, Iowa, 50311, for \$116,500, subject to the reservation of an emergency vehicle access easement across 27th Street and Carpenter Avenue, and other conditions. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The sale of the City’s property will allow the buyer to assemble the parcel with their adjoining properties as they renovate existing facilities, add two (2) new facilities and expand an existing parking lot. The previously vacated segment of Carpenter Avenue is currently leased from the City by Drake University. There is no current or anticipated public need for this property, and this conveyance will eliminate future maintenance and liability costs for the City.

FISCAL IMPACT:

Amount: \$116,500 (Revenue)

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

ADDITIONAL INFORMATION:

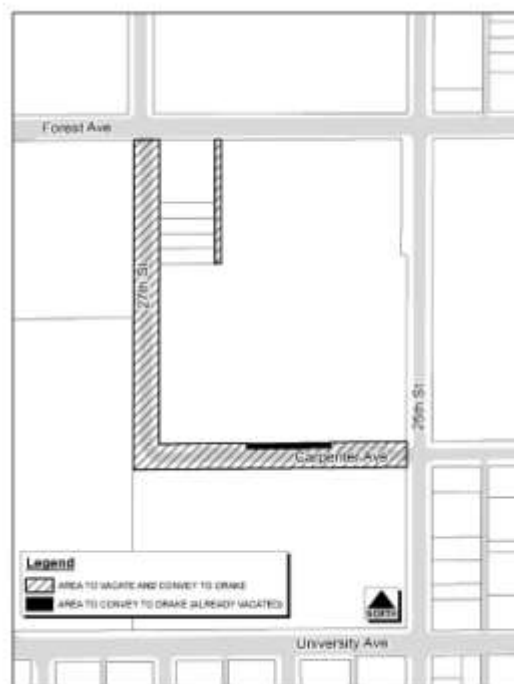
On May 17, 1993, by Roll Call No. 93-1842, City Council passed Ordinance No. 11,984 vacating a portion of Carpenter Avenue right-of-way in the vicinity of 26th Street. Drake University subsequently entered into a lease agreement with the City of Des Moines for use of the vacated Carpenter Avenue right-of-way.

On March 23, 2015, by Roll Call No. 15-0493, City Council received a recommendation from the City Plan and Zoning Commission to approve a request from Drake University to vacate 27th Street from Forest Avenue to Carpenter Avenue and the 16-foot wide north/south alley from Forest Avenue to a point 320.5 feet to the south, subject to conditions.

On May 18, 2015, by Roll Call No. 15-0807, City Council received a recommendation from the City Plan and Zoning Commission to approve a request from Drake University to vacate Carpenter Avenue from 25th Street to 27th Street, subject to conditions.

Drake University owns all of the property adjoining the City right-of-way, and has offered to the City of Des Moines the purchase price of \$116,500 for the purchase of the City right-of-way. The property to be conveyed consists of approximately 103,274-square-feet and the purchase price reflects the appraised restricted-use fair market value of the property. The sale of the property is subject to the following conditions:

1. Reservation of an easement upon the City right-of-way for the continued use and maintenance of any and all utilities now in place as well as any traffic control utilities necessary for the control of the intersection of 27th Street and Forest Avenue, including but not limited to utilities for the benefit and use of the City of Des Moines, with the right of entry for servicing same, until such time as said utilities are abandoned or relocated at Buyer's sole expense following written approval of the City or applicable utility.
2. Placement of a no-build restriction upon the City right-of-way prohibiting the placement of any permanent no structure, building or other improvement over or within the Property. This restriction shall not preclude the construction of a parking lot and associated parking lot improvements. This restriction will be lifted at any time after recording of the Quit Claim Deed, upon payment by Buyer, or Buyer's successors or assigns, of an additional \$80,000.00 to the City of Des Moines and written release of said no-build restriction by the City.
3. Reservation of a 20-foot wide access easement along the 27th Street and Carpenter Avenue portions of the Property to allow for Fire Department access.
4. Review and approval of a site plan by the City's Permit and Development Center, including all related site and landscaping improvements and all other requirements of the City's Permit and Development Center.



PREVIOUS COUNCIL ACTION(S):

Date: June 22, 2015

Roll Call Number: [15-1016](#)

Action: [On](#) conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27th Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25th Street to Drake University, \$116,500, (7-13-15). Moved by Gatto to adopt. Motion Carried 7-0.

Date: May 18, 2015

Roll Call Number: [15-0807](#)

Action: [Regarding](#) request from Drake University to vacate Carpenter Avenue from 25th Street to 27th Street, subject to conditions. 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: March 23, 2015

Roll Call Number: [15-0493](#)

Action: [Regarding](#) request to vacate 27th Street from Forest Avenue to Carpenter Avenue and alley in the vicinity to allow Drake University to assemble land required to renovate existing facilities, add two new facilities and expand existing parking lot, subject to conditions. Moved by Gray to receive and file the communication from the Plan and Zoning Commission. Motion Carried 6-1.

Date: May 17, 1993

Roll Call Number: 93-1842

Action: On vacation of a portion of Carpenter Avenue right-of-way in the vicinity of 26th Street.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: March 5, 2015

Resolution Number: 11-2015-1.01

Action: [Approval](#) of a request from Drake University to vacate 27th Street from Forest Avenue to Carpenter Avenue and to vacate the 16-foot wide north/south alley from Forest Avenue to a point 320.5 feet to the south.

Board: Plan and Zoning Commission

Date: May 7, 2015

Resolution Number: 11-2015-1.05

Action: [Approval](#) of a request from Drake University for vacation of Carpenter Avenue from 25th street to 27th Street.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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