 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> July 27, 2015
	<b>Agenda Item No.</b> 51 <b>Roll Call No.</b> <u>15-1286</u> <b>Communication No.</b> <u>15-420</u> <b>Submitted by:</b> Pamela S. Cooksey, P.E., City Engineer

**AGENDA HEADING:**

Hold hearing to correct vacation and to vacate and convey the east/west alley adjoining 1500 Woodland Avenue, 615 16th Street, and 1530 Woodland Avenue.

**SYNOPSIS:**

Recommend approval of corrected vacation and conveyance of the east/west alley adjoining 1500 Woodland Avenue to Woodland Avenue Partners L.P., 696 18th Street, Des Moines, Iowa, 50314, and of the vacation and conveyance of the east/west alley adjoining 615 16th Street to Traci Giles, 615 15th Street, Des Moines, Iowa, 50314 for \$100, and adjoining 1530 Woodland Avenue to Johnny Brafford and Jennifer Katz Brafford, 1530 Woodland Avenue, Des Moines, Iowa, 50314 for \$50.

This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The City’s vacation and conveyance of this alley right-of-way will allow the buyers to incorporate it into their adjoining residential properties in order to control access and prevent trespassing onto their properties, and will eliminate future maintenance and liability costs for the City and will return the property to the tax rolls. Additionally, this action will allow the Woodland Brickstone Site Plan (1500 Woodland Avenue) to be amended to remove the requirement of public alley access and identify any site modifications such as the creation of additional parking spaces or other site changes.

**FISCAL IMPACT:**

Amount: \$150 (Revenue)

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

**ADDITIONAL INFORMATION:**

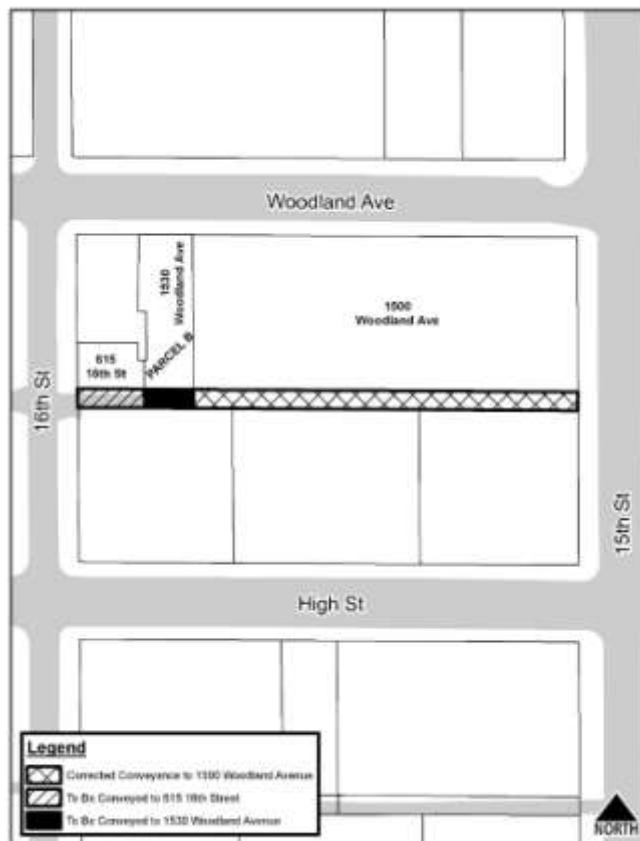
On November 19, 2001, by Roll Call No. 01-3474, the City Council passed Ordinance No. 14,022, vacating a portion of the alley between 15th and 16th Streets and Woodland Avenue and High Street adjoining 1500 Woodland Avenue.

On November 19, 2001, by Roll Call No. 01-3472, the City Council further approved the sale and conveyance of the vacated alley right-of-way to adjoining owner Woodland Avenue Partners, L.P. for \$35,000, subject to the provision of a new public through access easement within the proposed parking lot to ensure proper traffic circulation and fire protection access for the subject property and

surrounding property and limiting access onto 15th Street to one (1) driveway for the site with a private access easement for the property adjoining to the south.

On June 22, 2015, by Roll Call No. 15-1013, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request from Traci Giles for the vacation of the remaining segment of east/west alley right-of-way between Woodland Avenue and High Street from 16th Street to a point approximately 99 feet to the east, adjoining Ms. Giles property at 615 16th Street and immediately west of the property vacated and conveyed by Roll Call No. 01-3474 and Roll Call No. 01-3472, subject to the provision of any necessary easements for all existing utilities until such time as they are abandoned or relocated; and further subject to amending the Woodland Brickstone Site Plan (1500 Woodland Avenue) to remove the requirement of alley access and identify any site modifications such as the creation of additional parking spaces or other site changes.

Johnny Brafford and Jennifer Katz Brafford have offered to the City of Des Moines the purchase price of \$50 for the purchase of the vacated alley right-of-way adjoining their property at 1530 Woodland Avenue; and Traci Giles has offered to the City of Des Moines the purchase price of \$100 for the purchase of the vacated alley right-of-way adjoining her property at 615 16th Street. The property to be conveyed consists of approximately 1584-square-feet, and the total purchase price of \$150 is equal to the estimated fair market value of the property as determined by the City’s Real Estate Division. A corrective Quit Claim Deed for the vacated alley right-of-way adjoining 1500 Woodland Avenue will be issued to Woodland Avenue Partners, L.P., for the purpose of correcting and releasing the above-listed conditions. There is no current or anticipated public need for this property, and the City’s conveyance of this property will eliminate future maintenance and liability costs for the City, will return this property to the tax rolls, and will allow the buyers to control access and prevent trespassing onto their properties.



**PREVIOUS COUNCIL ACTION(S):**

Date: July 13, 2015

Roll Call Number: [15-1135](#)

Action: [To](#) correct vacation and to vacate and convey the east/west alley adjoining 1500 Woodland Avenue, 615 16th Street and 1530 Woodland Avenue, (7-27-15). Moved by Hensley to adopt. Motion Carried 7-0.

Date: June 22, 2015

Roll Call Number: [15-1013](#)

Action: [Regarding](#) request to vacate segment of east/west alley between Woodland Avenue and High Street adjoining 615 16th Street. Moved by Gatto 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 19, 2001

Roll Call Number: 01-3472

Action: On vacation and conveyance of alley between 15th and 16th, and Woodland and High, to Woodland Avenue Partners, L.P., \$35,000. Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 19, 2001

Roll Call Number: 01-3474

Action: Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,022. Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: May 7, 2015

Resolution Number: 11-2015-1.08

Action: Recommend approval of the requested vacation of the east/west alley adjoining 1500 Woodland Avenue, 615 16th Street and 1530 Woodland Avenue subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time as they are abandoned or relocated; and

2. Amendment of the Woodland Brickstone Site Plan (1500 Woodland Avenue) removing the requirement of alley access and identifying any site modifications such as the creation of additional parking spaces or other site changes.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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