

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	August 10, 2015
	<b>Agenda Item No.</b>	<b>32</b>
	<b>Roll Call No.</b>	<b><u>15-1374</u></b>
	<b>Communication No.</b>	<b><u>15-443</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for conveyance of a portion of the east/west alley between Olinda Avenue and Fulton Drive, east of Highland Street, to Daniel Leaming and Andrea Leaming for \$50 and to Douglas McGillivray for \$100.

**SYNOPSIS:**

Recommend approval of the conveyance of a portion of the east/west alley between Olinda Avenue and Fulton Drive, east of Highland Street, to Daniel Leaming and Andrea Leaming, 114 Fulton Drive, Des Moines, Iowa, 50315, for \$50, and to Douglas McGillivray, 111 Olinda Avenue, Des Moines, Iowa, 50315, for \$100.

This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The City’s conveyance of this property will allow the buyers to incorporate it into their adjoining residential properties in order to control access to the rear of their properties. There is no current or anticipated public need or benefit for this dead-end section of vacated alley, and this conveyance will eliminate future maintenance and liability costs for the City and will return the property to the tax rolls.

**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 January 23, 1989, by Roll Call No. 89-242, City Council passed Ordinance Number 11,252 vacating the east/west alley right-of-way between Highland Street and South Union Street, north of Olinda Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are relocated.

Daniel and Andrea Leaming, owners of 114 Fulton Drive, have offered to the City of Des Moines the purchase price of \$50 for the purchase of the portion of the vacated alley right-of-way adjoining their property, and Douglas McGillivray has offered to the City of Des Moines the purchase price of \$100 for the purchase of the vacated alley right-of-way adjoining his property at 111 Olinda Avenue. The property to be conveyed is a dead-end section of vacated alley that consists of approximately 1,920-

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. The other adjoining property owners to the vacated alley were not interested in purchasing any portion of the property. 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 to the rear of their properties.



**PREVIOUS COUNCIL ACTION(S):**

Date: July 27, 2015

Roll Call Number: [15-1241](#)

Action: On vacation and conveyance of a portion of the east/west alley between Olinda Avenue and Fulton Drive, east of Highland Street, to Daniel Leaming and Andrea Leaming, \$50 and to Douglas McGillivray, \$100, (8-10-15). Moved by Gatto to adopt. Motion Carried 7-0.

Date: January 23, 1989

Roll Call Number: 89-242

Action: On vacation of all that part of Southwest 1<sup>st</sup> Street right-of-way previously known as: The West 20.0 feet of Lots 337 and 352, and the East/West alley right-of-way lying South of and adjoining Lots 333 through 344, all in First Plat of Clifton Heights, and Official Plat.

**BOARD/COMMISSION ACTION(S): NONE**

**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).