 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	September 14, 2015
	<b>Agenda Item No.</b>	<b>57</b>
	<b>Roll Call No.</b>	<b><u>15-1542</u></b>
	<b>Communication No.</b>	<b><u>15-488</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing to correct 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 the correction to the 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. This action is required in order to correct a scrivener’s error in the legal description of the previously vacated and conveyed alley right-of-way.

**FISCAL IMPACT:**

Amount: \$116,500 (Revenue)

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

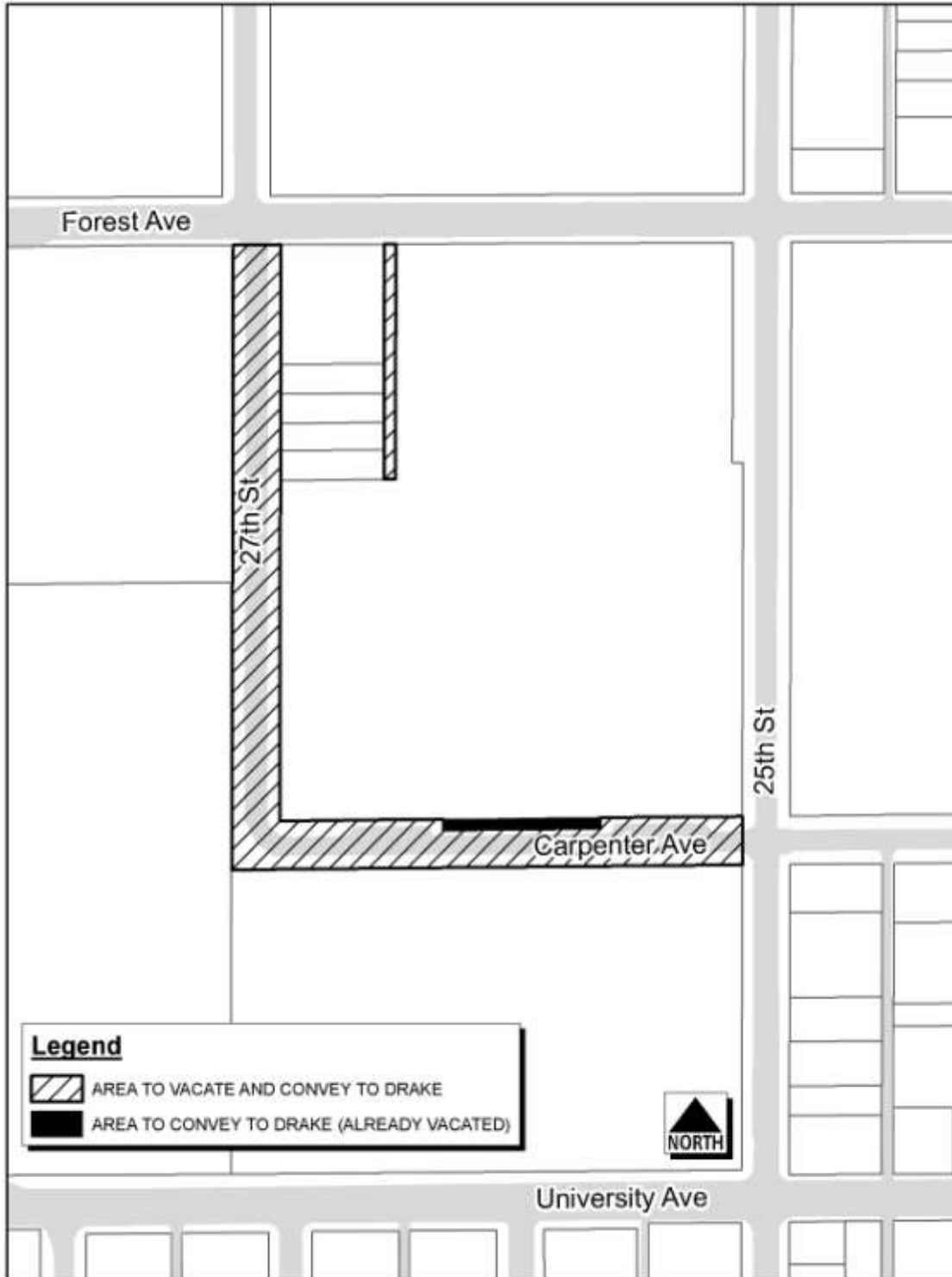
**ADDITIONAL INFORMATION:**

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.

On July 13, 2015, by Roll Call No. 15-1185, City Council approved the vacation and conveyance of 27th Street from Forest Avenue to Carpenter Avenue, and Carpenter Avenue from 25th Street to 27th Street, and the 16-foot wide north/south alley from Forest Avenue to a point 320.5 feet to the south, and the conveyance of a portion of previously vacated Carpenter Avenue; however the Polk County Auditor's Office discovered a scrivener's error in the legal description for the alley right-of-way to be vacated and conveyed.



**PREVIOUS COUNCIL ACTION(S):**

Date: August 24, 2015

Roll Call Number: [15-1427](#)

Action: [To](#) correct 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, (9-14-15). Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 13, 2015

Roll Call Number: [15-1185](#)

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. ([Council Communication No. 15-388](#)) Moved by Gray to adopt. Motion Carried 7-0.

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 27<sup>th</sup> 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**

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).