 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	September 28, 2015
	<b>Agenda Item No.</b>	<b>51</b>
	<b>Roll Call No.</b>	<b><u>15-1640</u></b>
	<b>Communication No.</b>	<b><u>15-501</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for vacation and conveyance of a portion of SE 40th Street to John F. and Emmie L. Anderson for \$900.

**SYNOPSIS:**

Recommend approval of the vacation and conveyance of a portion of SE 40th Street to John F. and Emmie L. Anderson (4491 SE 40th Street, Des Moines, Iowa, 50320) for \$900, subject to the reservation of a storm sewer and surface water flowage easement over a portion of the property.

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 buyer to incorporate it into their adjoining residential property thereby eliminating an existing building encroachment into City right-of-way. There is no current or anticipated public need or benefit for this property, 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: \$900 (Revenue)

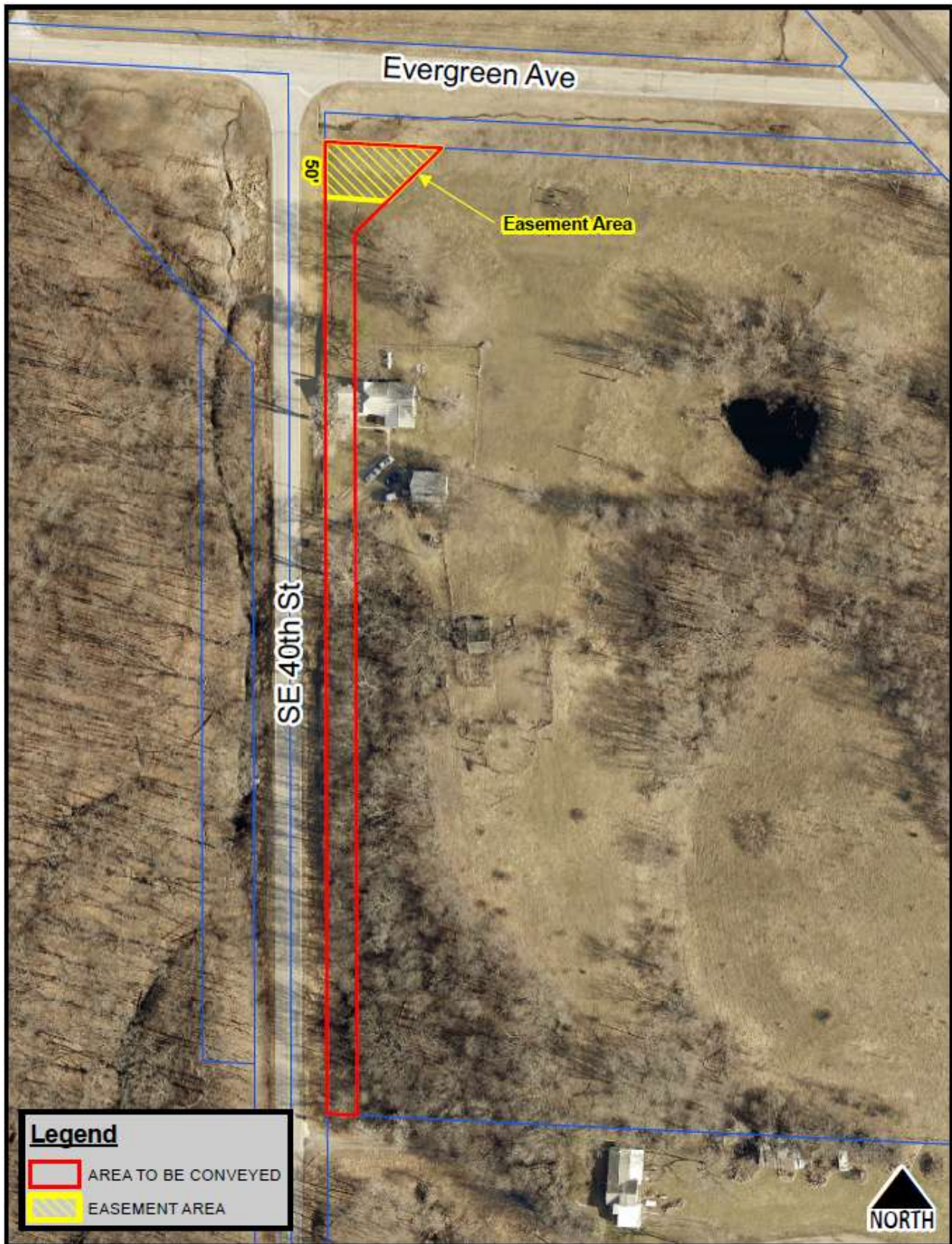
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

**ADDITIONAL INFORMATION:**

On August 24, 2015, by Roll Call No. 15-1424, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request from John F. Anderson for the vacation of an irregular-shaped segment of the eastern portion of SE 40th Street, adjoining property located at 4491 SE 40th Street, to allow removal of an existing building encroachment with conveyance to the adjoining property owner, subject to conditions.

John F. Anderson and Emmie L. Anderson, owners of 4491 SE 40th Street, have offered to the City of Des Moines the purchase price of \$900 for the purchase of a portion of the street right-of-way adjoining his property. The property to be conveyed consists of approximately 26,969-square-feet, and the purchase price of \$900 is equal to the estimated fair market value of the property as determined by the City’s Real Estate Division. The City will retain an easement for storm sewer and surface water flowage across the northernmost portion of the conveyance area. There is no other 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 remove an existing building encroachment into City right-of-way.



**PREVIOUS COUNCIL ACTION(S):**

Date: September 14, 2015

Roll Call Number: [15-1509](#)

Action: [On](#) vacation and conveyance of a portion of SE 40th Street to John F. and Emmie L. Anderson, \$900, (09-28-15).

Date: August 24, 2015

Roll Call Number: [15-1424](#)

Action: [Regarding](#) vacation of an irregular-shaped segment of the eastern portion of SE 40th Street, adjoining property located at 4491 SE 40th Street, to allow removal of an existing building encroachment with conveyance to the adjoining property owner, 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.

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

Board: Plan and Zoning Commission

Date: August 6, 2015

Resolution Number: 11-2015-1.12

Action: Recommend approval of the requested vacation of an irregular-shaped segment of the eastern portion of SE 40th Street, adjoining property located at 4491 SE 40th Street, to allow removal of an existing building encroachment with conveyance to the adjoining property owner.

**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).