 <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>50</b>
	<b>Roll Call No.</b>	<b><u>15-1637</u></b>
	<b>Communication No.</b>	<b><u>15-503</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for vacation and conveyance of various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street to Neighborhood Development Corporation (NDC) for \$83,260.

**SYNOPSIS:**

Recommend approval of the vacation and conveyance of the various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street to NDC (Abbey Gilroy, Director Real Estate Development, 3209 Ingersoll Avenue, Suite 205, Des Moines, Iowa, 50312) for \$83,260. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

NDC is the owner of the real property that abuts the requested rights-of-way, and has offered to the City of Des Moines the purchase price of \$83,260 for the purchase of the rights-of-way for assemblage with NDC’s property and redevelopment, which purchase price reflects the restricted-use fair market value of the City rights-of-way as currently estimated by the City’s Real Estate Division. NDC will redevelop the assembled land with a multi-family residential apartment project, in accordance with a site plan approved by the City. There is no known current or future public need for the property and the City will benefit from the sale and redevelopment of this area.

**FISCAL IMPACT:**

Amount: \$83,260 (Revenue)

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

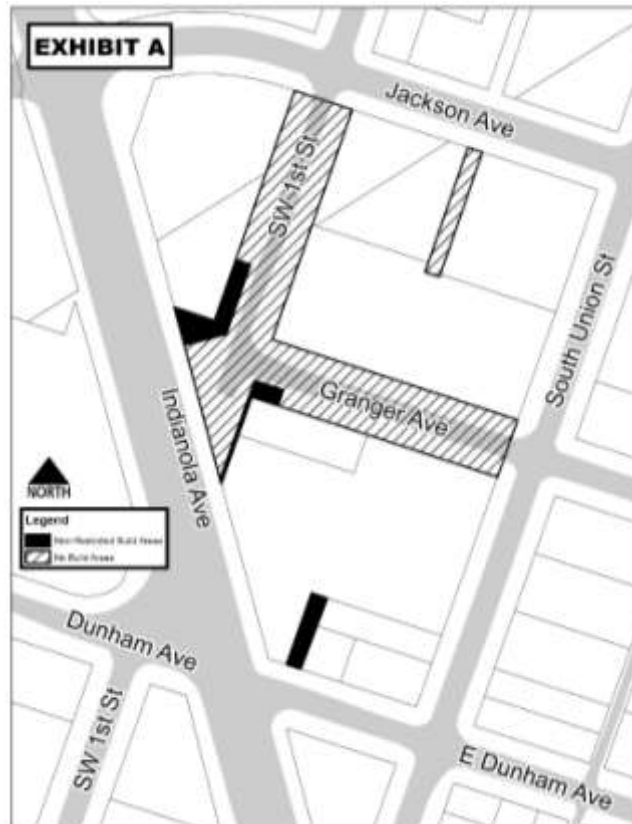
**ADDITIONAL INFORMATION:**

On February 24, 2014, by Roll Call No. 14-0280, the City Council received a recommendation from the Plan and Zoning Commission that the segment of Granger Avenue from Indianola Avenue to South Union Street, and a segment of Southwest 1<sup>st</sup> Street from Jackson Street to Indianola Avenue be vacated subject to reservation of easements for utilities in place and subject to reservation of access easements for all existing access drives serving existing uses.

On September 14, 2015, by Roll Call No. 15-1504, City Council received a recommendation from the Plan and Zoning Commission that a segment of the north/south alley between Southwest 1<sup>st</sup> Street and

South Union Street from Jackson Avenue to a point 143 feet to the south adjoining 4 Jackson Avenue, and a segment of north/south alley between Indianola Avenue and South Union Street from Dunham Avenue to a point 82 feet to the north be vacated also subject to reservation of easements for utilities in place and subject to reservation of access easements for all existing access drives serving existing uses.

NDC and the City have negotiated a purchase agreement that includes, among other conditions, a no-build restriction over a specific portion of the rights-of-way to be conveyed. This no-build restriction can be lifted at any time after NDC pays the City an additional \$68,504, which is the difference between the unrestricted Fair Market Value of the rights-of-way and the restricted-use Fair Market Value to be paid by NDC; also, upon the written release of the no-build restriction by the City.



#### **PREVIOUS COUNCIL ACTION(S):**

Date: September 14, 2015

Roll Call Number: [15-1510](#)

Action: [On](#) vacation and conveyance of various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street to NDC, \$83,260, (9-28-15). Moved by Hensley to adopt. Motion Carried 7-0.

Date: September 14, 2015

Roll Call Number: [15-1504](#)

Action: [Regarding](#) request for vacation of alley right-of-way adjoining 4 Jackson Avenue, 8 Dunham Avenue, and 1714 South Union 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: February 24, 2014

Roll Call Number: [14-0280](#)

Action: [Regarding](#) request from Neighborhood Development Corporation for vacation of Granger Avenue from Indianola Avenue to South Union Street, and vacation of SW 1st Street from Jackson to Indianola Avenue, subject to conditions. Moved by Hensley to receive, file, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

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

Board: Plan and Zoning Commission

Date: September 3, 2015

Resolution Number: 11-2015-1.13A, 11-2015-1.13B

Action: Recommend approval of the request to vacate a segment of north/south alley between Southwest 1<sup>st</sup> Street and South Union Street from Jackson Avenue to a point 143 feet to the south adjoining 4 Jackson Avenue; and to vacate a segment of north/south alley between Indianola Avenue and South Union Street from Dunham Avenue to a point 82 feet to the north adjoining 8 Dunham Avenue and 1714 South Union Street.

Board: Plan and Zoning Commission

Date: February 6, 2014

Resolution Number: 11-2013-1.20

Action: Recommend approval of the request to vacate Granger Avenue from Indianola Avenue to South Union Street and to vacate southwest 1<sup>st</sup> Street from Jackson Street to Indianola Avenue.

### **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).