 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 12, 2015
	Agenda Item No.	49
	Roll Call No.	<u>15-1723</u>
	Communication No.	<u>15-538</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of portions of Southwest 4th Street and West Martin Luther King, Jr. Parkway (also known as Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway to Eychaner Holdings, Inc. for \$45,000.

SYNOPSIS:

Recommend approval of the vacation and conveyance of portions of Southwest 4th Street and West Martin Luther King, Jr. Parkway (also known as Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway to Eychaner Holdings, Inc. for \$45,000, subject to conditions contained in the Planning and Zoning Commission recommendation and the offer to purchase. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The sale of these portions of street right-of-way will allow Eychaner Holdings, Inc., owner of 300 West Martin Luther King, Jr. Parkway, to provide direct access to West Martin Luther King, Jr. Parkway as part of the development of his property. There is no current or anticipated public need or benefit for the right-of-way to be vacated and conveyed.

FISCAL IMPACT:

Amount: \$45,000 (Revenue)

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

ADDITIONAL INFORMATION:

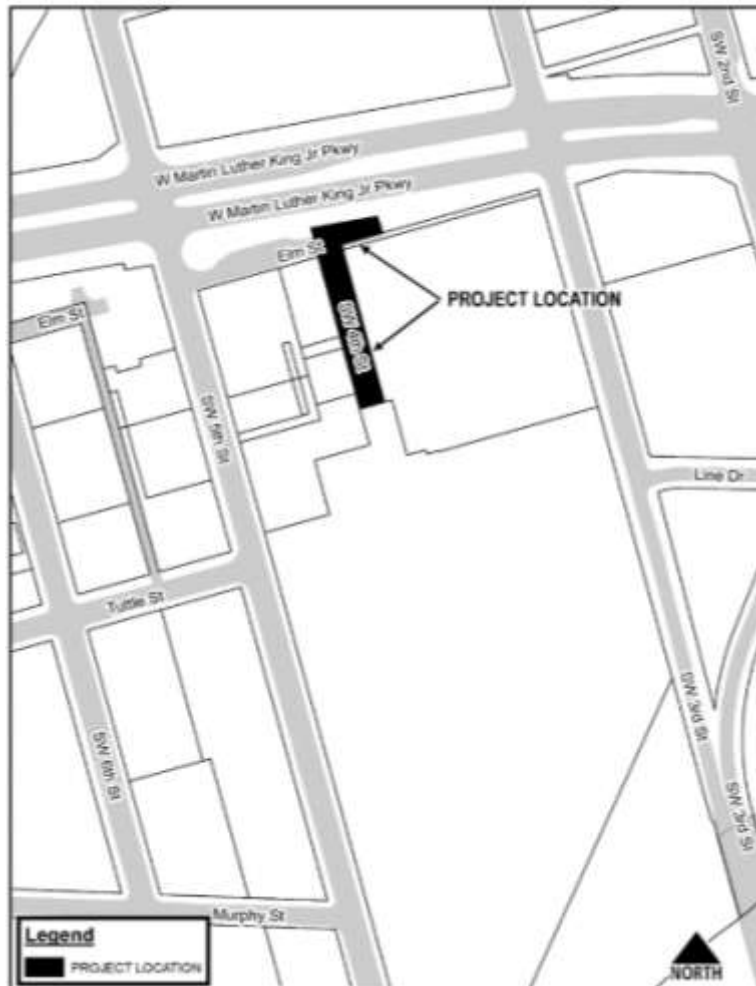
On July 27, 2015, by Roll Call No. 15-1237, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that a 46-foot by 112.5-foot segment of SW 4th Street be vacated, subject to reservation of easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or relocated.

On September 14, 2015, by Roll Call No. 15-1506, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that a segment of SW 4th Street lying south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway be vacated, subject to the following:

1. Reservation of any necessary easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or are relocated.
2. Provision of private drive connections to West Martin Luther King, Jr. Parkway and Southwest 5th Street from 300 West Martin Luther King, Jr. Parkway, if determined necessary following further discussion with the City Traffic Engineer regarding the need and requirements for provision of private access easements for separately owned private properties adjoining to the west.
3. The access from remaining Elm Street to the west shall be closed with a permanent barrier, including a curb and a landscaped berm.
4. Restoration of the vacated Elm Street right-of-way by the purchaser in accordance with an administratively approved site plan.

Eychaner Holdings, Inc., owner of 300 West Martin Luther King, Jr. Parkway, has offered to purchase the 46-foot by 112.5-foot segment of SW 4th Street right-of-way, and a segment of SW 4th Street right-of-way lying south of West Martin Luther King, Jr. Parkway, and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway for \$45,000, subject to the conditions listed above and a site plan approved by the City. Additionally, the buyer may eliminate the condition for private drive access connections to SW 5th Street listed in condition number two (2) above, by granting the affected property owners a private access easement to West Martin Luther King, Jr. Parkway, prior to closing.

The property to be conveyed consists of approximately 18,028-square-feet and the purchase price of \$45,000 is equal to the estimated fair market value of the property as determined by the City's Real Estate Division. There is no current or anticipated public need for this property and the City's conveyance of the vacated right-of-way will allow the buyer to provide direct access to West Martin Luther King, Jr. Parkway as the adjoining property is redeveloped.



PREVIOUS COUNCIL ACTION(S):

Date: September 28, 2015

Roll Call Number: [15-1604](#)

Action: [On](#) the vacation of a segment of West Martin Luther King Jr. Parkway (aka Elm Street) adjoining 300 W. Martin Luther King Jr. Parkway and vacation and conveyance of a portion of SW 4th Street lying south of W. Martin Luther King Jr. Parkway to Eychaner Holdings, Inc., \$45,000, (10-12-15). Moved by Hensley to adopt. Motion Carried 7-0

Date: September 14, 2015

Roll Call Number: [15-1506](#)

Action: [Regarding](#) vacation of SW 4th Street lying south of West Martin Luther King Jr. Parkway (aka Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway, 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: July 27, 2015

Roll Call Number: [15-1238](#)

Action: [City](#) Council initiated request for vacation of SW 4th Street lying south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway. Sponsor: Council Member Hensley. Moved by Gatto to adopt. Motion Carried 7-0.

Date: July 27, 2015

Roll Call Number: [15-1237](#)

Action: [Regarding](#) request from Green Ltd., LLC, (Owner) represented by Richard Eychanger (Officer) for vacation of a 46-foot by 112.5-foot segment of SW 4th 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.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: September 3, 2015

Resolution Number: [11-2015-1.14](#)

Action: [Recommend](#) approval of request to vacate Southwest 4th Street south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King, Jr. Parkway (also known as Elm Street) between Southwest 3rd Street and Southwest 4th Street.

Board: Plan and Zoning Commission

Date: July 16, 2015

Resolution Number: [11-2015-1.04](#)

Action: [Recommend](#) approval of the request to vacate a 46-foot by 112.5-foot segment of Southwest 4th Street right-of-way.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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