 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 12, 2015
	Agenda Item No.	50
	Roll Call No.	<u>15-1726</u>
	Communication No.	<u>15-539</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of City street and alley rights-of-way adjoining 915 Mulberry Street and conveyance of a subsurface easement within Mulberry Street, 9th Street, north/south alley right-of-way and east/west alley right-of-way all adjoining 915 Mulberry Street, to Hubbell Realty Company for \$7,000.

SYNOPSIS:

Recommend approval for vacation of said rights-of-way and conveyance of a subsurface easement to Hubbell Realty Company, Steve Niebuhr, Senior Vice President, 6900 Westown Parkway, West Des Moines, Iowa, 50266, for installation, repair, and maintenance of footings and foundations extending from the building to be constructed at 915 Mulberry Street. There is no current or anticipated public need for the easement area to be conveyed. This action is required by Iowa law prior to making a final determination on the proposed easement by resolution.

FISCAL IMPACT:

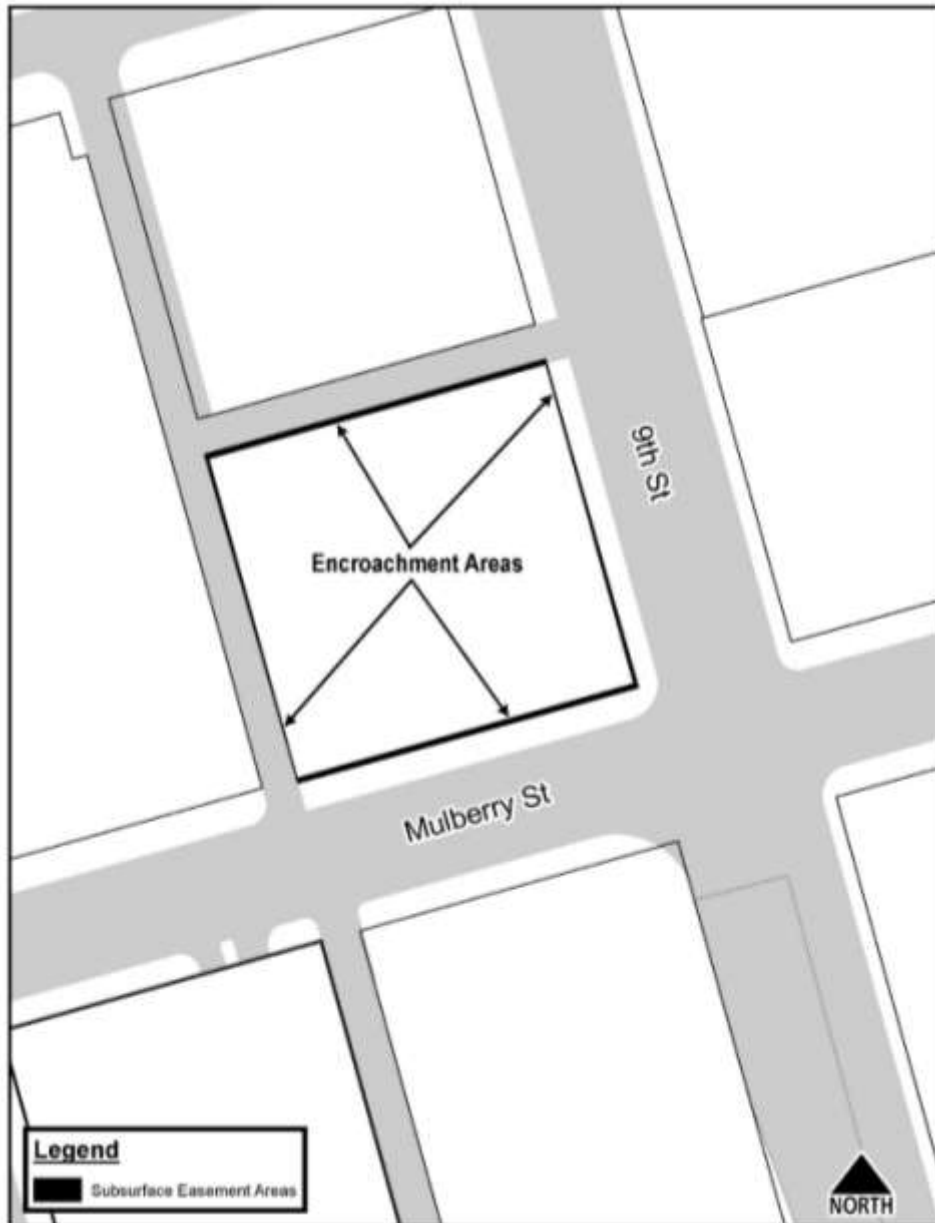
Amount: \$7,000 (Revenue)

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

ADDITIONAL INFORMATION:

Hubbell Realty Company is the owner of the property at 915 Mulberry Street upon which they intend to construct the DWELL residential apartment building. Hubbell Realty Company has offered the City of Des Moines the purchase price of \$7,000 for a permanent subsurface easement in portions of Mulberry Street and 9th Street, and the north/south and east/west alley rights-of-way adjoining 915 Mulberry Street. The easement area consists of approximately 872-square-feet and is required for installation, operation and maintenance of footings for the building being constructed at 915 Mulberry Street.

Such subsurface portions of Mulberry Street and 9th Street, and north/south and east/west alley rights-of-way have been determined by the City Engineer and City Traffic Engineer to have a de Minimis impact upon the public use of Walnut Street or 8th Street. The purchase price reflects the restricted-use fair market value of the easement interest as currently estimated by the City’s Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: September 28, 2015

Roll Call Number: [15-1605](#)

Action: [On](#) vacation of City street and alley rights-of-way adjoining 915 Mulberry Street and conveyance of a subsurface easement within Mulberry Street, 9th Street north/south alley right-of-way and east/west alley right-of-way all adjoining 915 Mulberry Street to Hubbell 6 9/28/2015 Realty Company, \$7,000, (10-12-15). Moved by Hensley to adopt. Motion Carried 7- 0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Vacation of air rights and conveyance of permanent easement interests in said air rights.

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