 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	October 12, 2015
	<b>Agenda Item No.</b>	<b>51</b>
	<b>Roll Call No.</b>	<b><u>15-1729</u></b>
	<b>Communication No.</b>	<b><u>15-544</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for the vacation and conveyance of a portion of the north/south alley between Southeast 5th Street and Southeast 6th Street from Scott Avenue to a point 112 feet to the south to SE Bottoms, L.L.C., for \$2,900.

**SYNOPSIS:**

Recommend approval of the vacation and conveyance of a portion of the north/south alley between Southeast 5th Street and Southeast 6th Street from Scott Avenue to a point 112 feet to the south to SE Bottoms, L.L.C., Paul Groben, Manager, 501 Scott Avenue, Des Moines, Iowa, for \$2,900. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The sale of this portion of alley right-of-way will allow SE Bottoms, L.L.C., owner of the adjoining properties at 501 and 517 Scott Avenue, to incorporate the property into its adjoining parcels for assemblage for future development. There is no current or anticipated public need or benefit for the right-of-way to be conveyed.

**FISCAL IMPACT:**

Amount: \$2,900 (Revenue)

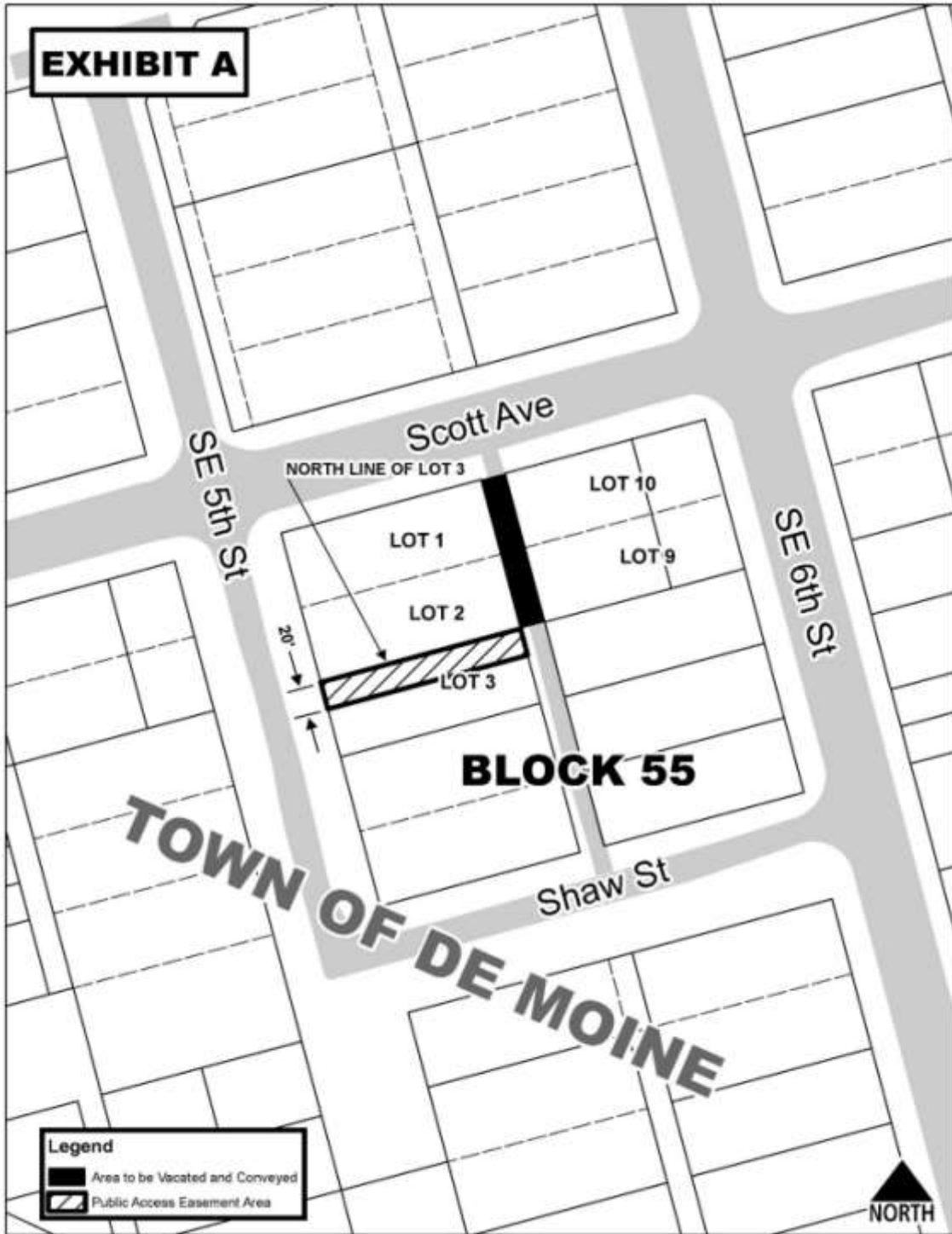
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

**ADDITIONAL INFORMATION:**

On September 14, 2015, by Roll Call No. 15-1505, City Council received a recommendation from the City Plan and Zoning Commission that the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 110 feet south (actual measurement equals 112 feet) be vacated, subject to reservation of easements for all existing utilities in place until such time that they are abandoned or relocated; and subject to a reservation of an easement for a no build restriction; and further subject to SE Bottoms, L.L.C. conveying a Permanent Easement for Public Ingress and Egress unto the City of Des Moines, Iowa, over their adjoining property at 501 Scott Avenue, to connect the alley with Southeast 5th Street.

SE Bottoms, L.L.C., owner of the adjoining properties at 501 and 517 Scott Avenue, has offered to purchase the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 feet south for \$2,900. The property to be conveyed consists of approximately 1,760-square-feet, and the purchase price of \$2,900 is equal to the estimated restricted-use 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 assemble the adjoining properties for redevelopment.



**PREVIOUS COUNCIL ACTION(S):**

Date: September 28, 2015

Roll Call Number: [15-0606](#)

Action: [On](#) vacation and conveyance of a portion of the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 ft. to the south to SE Bottoms, LLC for \$2,900, (10-12-15). Moved by Hensley to adopt. Motion Carried 7-0.

Date: September 14, 2015

Roll Call Number: [15-1505](#)

Action: [Regarding](#) request from SE Bottoms, LLC for vacation of the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 110 feet south to allow assembly with the property at 501 Scott Avenue, 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: September 3, 2015

Resolution Number: [11-2015-1.15](#)

Action: [Recommend](#) approval of a request from SE Bottoms, LLC to vacate the north/south alley between Southeast 5th Street and Southeast 6th Street from Scott Avenue to a point 110 feet to the south, to allow assembly with the property located at 501 Scott Avenue and adjoining properties, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, and further subject to provision of an east/west access easement over the adjoining property to the west (501 Scott Avenue) to connect the alley with Southeast 5th 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).