 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	November 23, 2015
	Agenda Item No.	51
	Roll Call No.	<u>15-2002</u>
	Communication No.	<u>15-620</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of Market Street right-of-way adjoining 123 Southwest 3rd Street and conveyance of a permanent easement for building encroachment to Confluence on Third LLC for \$13,043.

SYNOPSIS:

Recommend approval for vacation of said right-of-way and conveyance of a permanent easement for building encroachment to Confluence on Third LLC, c/o Roers Investments LLC, Brian Roers, Owner, 1964 W. Wayzata Blvd., Suite 200, Long Lake, MN 55356, to allow for the construction, use, repair, and maintenance of footings, foundations, balconies, and entrance stoops as part of the multi-family apartment building project at 123 Southwest 3rd Street, and encroachments from such building into the easement area. 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:

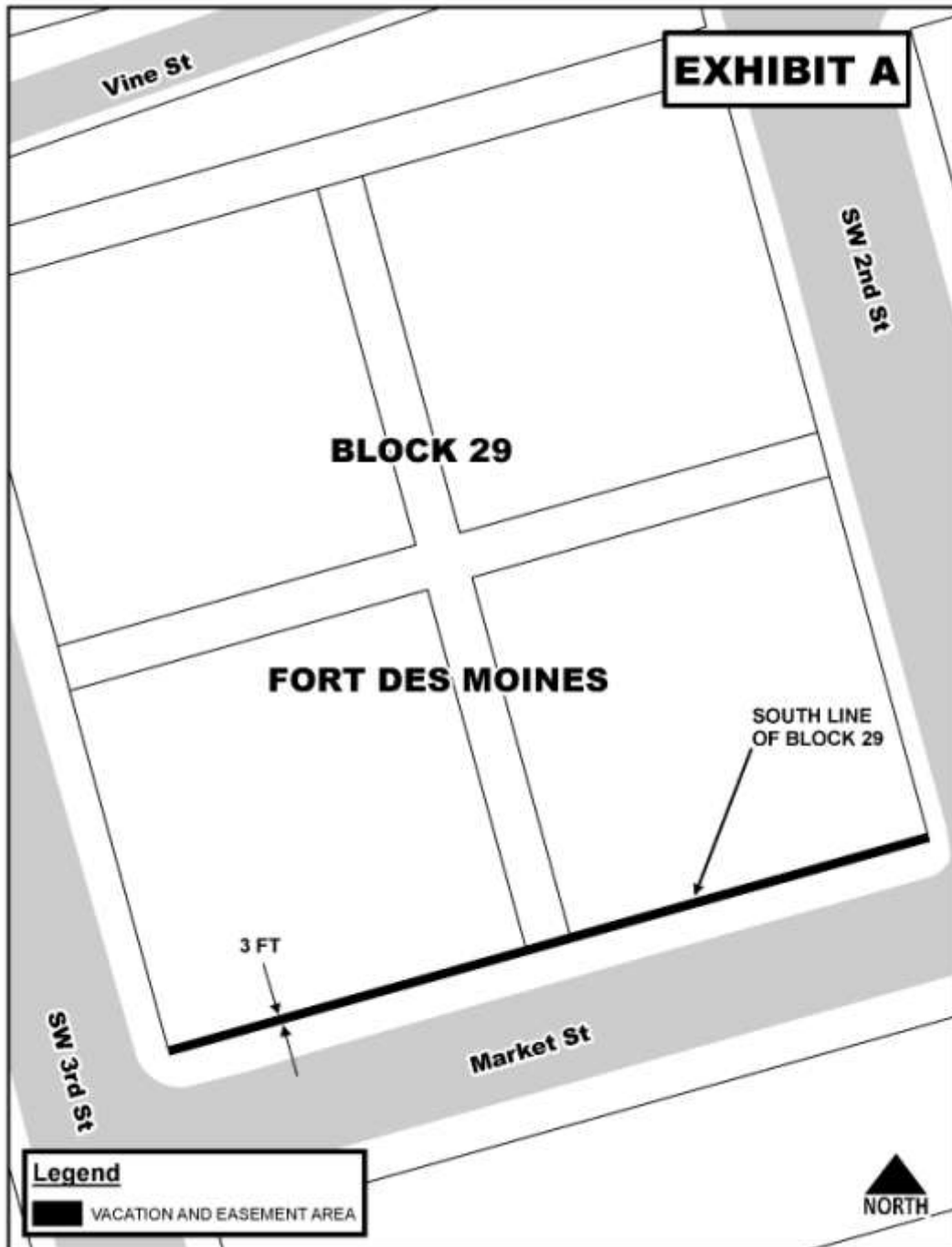
Amount: \$13,043 (Revenue)

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

ADDITIONAL INFORMATION:

On October 26, 2015, by Roll Call No. 15-1776, the City Council of the City of Des Moines voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from Confluence on Third LLC to vacate three (3) feet of the north side of Market Street right-of-way adjoining property in the vicinity of 123 Southwest 3rd Street, to allow for encroachment of building footings, entrance stoops, and balconies for a proposed multiple-family dwelling.

Confluence on Third LLC, owner of the site of the proposed multiple-family dwelling, has offered the City of Des Moines the purchase price of \$13,043 for a permanent easement for building encroachment within the north three (3) feet of Market Street right-of-way. The easement area to be conveyed consists of approximately 841.5-square-feet, and the purchase price of \$13,043 reflects the restricted-use fair market value of the easement as currently estimated by the City’s Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: November 9, 2015

Roll Call Number: [15-1860](#)

Action: On vacation of a portion of Market Street right-of-way adjoining 123 SW 3rd Street and conveyance of a permanent easement for building encroachment to Confluence on Third LLC, \$13,043, (11-23-15). Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.

Date: October 26, 2015

Roll Call Number: [15-1776](#)

Action: [Regarding](#) request from Confluence on Third LLC for vacation of three (3) feet of the north side of Market Street adjoining property in the vicinity of 123 SW 3rd Street. Moved by Hensley to receive and file the communication from Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Mahaffey.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: October 15, 2015

Resolution Number: [11-2015-1.18](#)

Action: [Recommend](#) approval of the request from Confluence on Third LLC to vacate the north three (3) feet of Market Street right-of-way to allow for encroachment of building footings, entrance stoops, and balconies for a proposed multiple-family dwelling.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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