 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 7, 2015
	Agenda Item No.	47
	Roll Call No.	<u>15-2091</u>
	Communication No.	<u>15-635</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of East 5th Street right-of-way adjoining 407 East 5th Street and conveyance of a Permanent Easement for Building Encroachment to Teachout Properties, L.L.C. for \$885.00.

SYNOPSIS:

Recommend approval for vacation of said right-of-way and conveyance of a permanent easement for building encroachment to Teachout Properties, L.L.C., Kirk Blunck, Owner, 5223 Waterbury Road, Des Moines, Iowa 50312, to allow for the construction, use, repair, and maintenance of a permanent Americans with Disabilities Act (ADA) compliant accessible ramp to the existing building. 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:

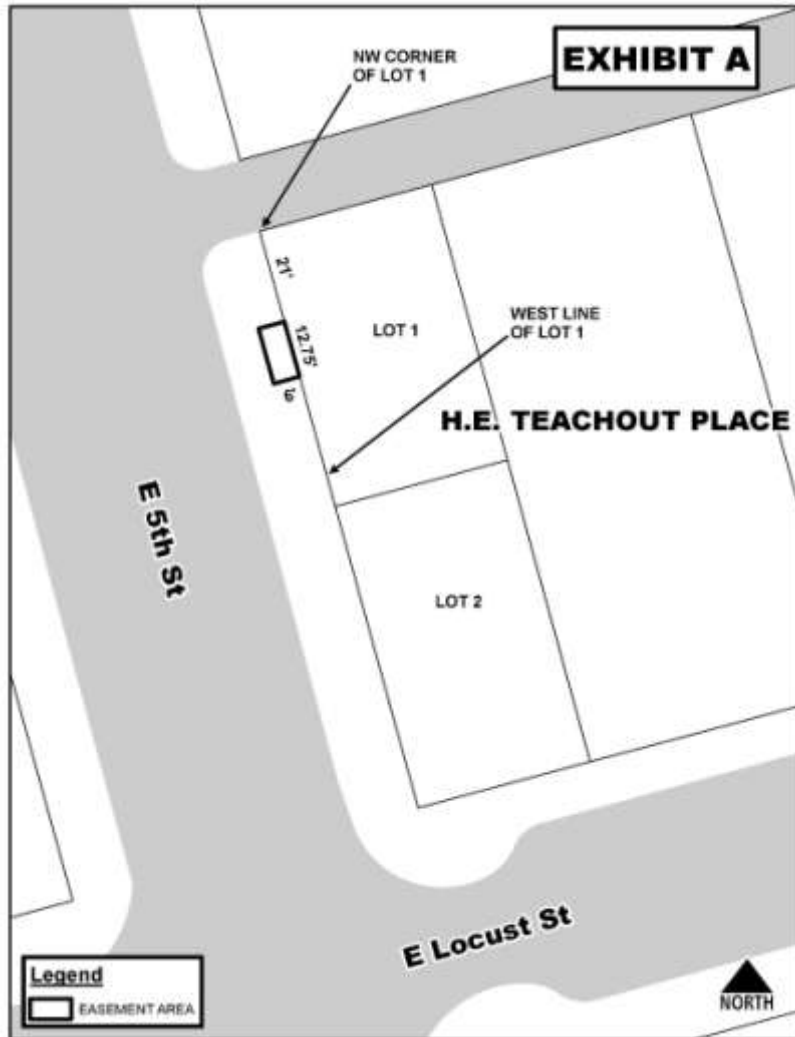
Amount: \$885 (Revenue)

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

ADDITIONAL INFORMATION:

On November 23, 2015 by Roll Call No. 26-1959, 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 Teachout Properties, L.L.C. to vacate a 6-foot by 11-foot segment of East 5th Street adjoining 407 East 5th Street, to allow for encroachment of a permanent ADA compliant accessible ramp into the East 5th Street right-of-way. The final size of the encroachment area was subsequently determined to be 6-feet by 12.75-feet.

Teachout Properties, L.L.C., owner of the adjoining building at 407 East 5th Street, has offered the City of Des Moines the purchase price of \$885 for a permanent easement for building encroachment within the 6-foot by 12.75-foot segment of East 5th Street right-of-way. The easement area to be conveyed consists of approximately 76.5-square-feet, and the purchase price of \$885 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 23, 2015

Roll Call Number: [15-1958](#)

Action: [On](#) vacation of a portion of E. 5th Street right-of-way adjoining 407 E. 5th Street and conveyance of a permanent easement for building encroachment to Teachout Properties, LLC, \$885, (12-7-15). Moved by Gatto to adopt; refer to the City Manager to provide a status report on other City-related matters Mr. Blunck is involved with. Motion Carried 7-0.

Date: November 23, 2015

Roll Call Number: [15-1959](#)

Action: [Receive](#) and file Communication from the Planning and Zoning Commission. Moved by Gatto to receive and file the Plan and Zoning Communication, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: November 5, 2015

Resolution Number: 11-2015-1.22

Action: Recommend approval of the request from Teachout Properties, L.L.C. to vacate a 6-foot by 11-foot segment of East 5th Street right-of- way adjoining 407 East 5th Street to allow for encroachment of a permanent ADA compliant accessible entrance ramp.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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