 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 21, 2015
	Agenda Item No.	47
	Roll Call No.	<u>15-2148</u>
	Communication No.	<u>15-655</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of 35th Street right-of-way adjoining 3501 Ingersoll Avenue and conveyance of a Permanent Easement for Building Encroachment to the Estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes for \$100.

SYNOPSIS:

Recommend approval for vacation of said right-of-way and conveyance of a Permanent Easement for Building Encroachment to the Estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes, c/o David R. Elkin, 315 East 5th Street, Suite 5, Des Moines, IA 50309, for the purpose of mitigating an existing encroachment of the building into the 35th Street right-of-way. 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.

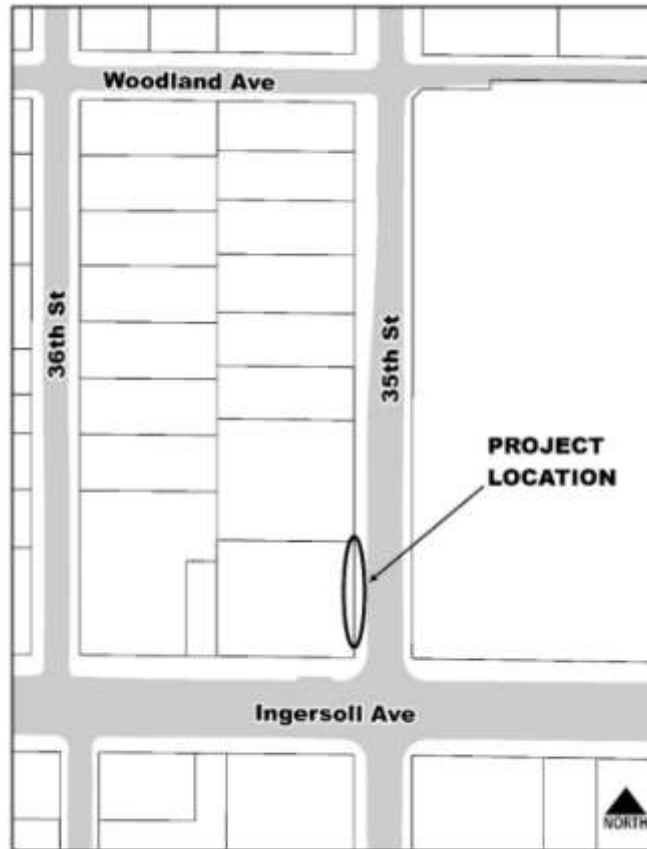
FISCAL IMPACT:

Amount: \$100 (Revenue)

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

ADDITIONAL INFORMATION:

The Estate of David L. Barnes, Michael D. Barnes, and Evie J. Barnes are the owners of the property at 3501 Ingersoll Avenue. A survey of the property conducted on behalf of the owners determined that the improvements constructed on the property at 3501 Ingersoll Avenue encroach into the adjoining 35th Street right-of-way. The Estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes have offered the City of Des Moines the purchase price of \$100 for a Permanent Easement for Building Encroachment along 35th Street right-of-way adjoining 3501 Ingersoll Avenue in order to mitigate the existing encroachment. The easement area consists of approximately 17-square-feet and has been determined by the City Engineer and City Traffic Engineer to have a de-minimis impact upon the public use of 35th Street. The purchase price reflects the fair market value of the easement interest as currently estimated by the City’s Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: December 7, 2015

Roll Call Number: [15-2055](#)

Action: On vacation of a portion of 35th Street right-of-way adjoining 3501 Ingersoll Avenue and conveyance of a permanent easement for building encroachment to the estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes, \$100, (12-21-15). Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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