 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 11, 2016
	Agenda Item No. 40 Roll Call No. <u>16-0068</u> Communication No. <u>16-018</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of air space and subsurface rights in a portion of City-owned street right-of-way adjoining 219 East Grand Avenue and conveyance of an air rights easement within East Grand Avenue and East 2nd Street, and conveyance of a subsurface easement within East Grand Avenue, to 219 Grand, LLC for \$6,307.

SYNOPSIS:

Recommend approval for vacation of said right-of-way and conveyance of an air rights easement within East Grand Avenue and East 2nd Street, and conveyance of a subsurface easement within East Grand Avenue, to 219 Grand, LLC, c/o Tim Rypma, 2404 Forest Drive, Des Moines, Iowa, 50312, to allow for constructing, repairing, and maintaining building footings and foundations, and balcony encroachments from floors three (3) through six (6), as part of a new 6-story mixed use building project at 219 East Grand Avenue. 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: \$6,307 (Revenue)

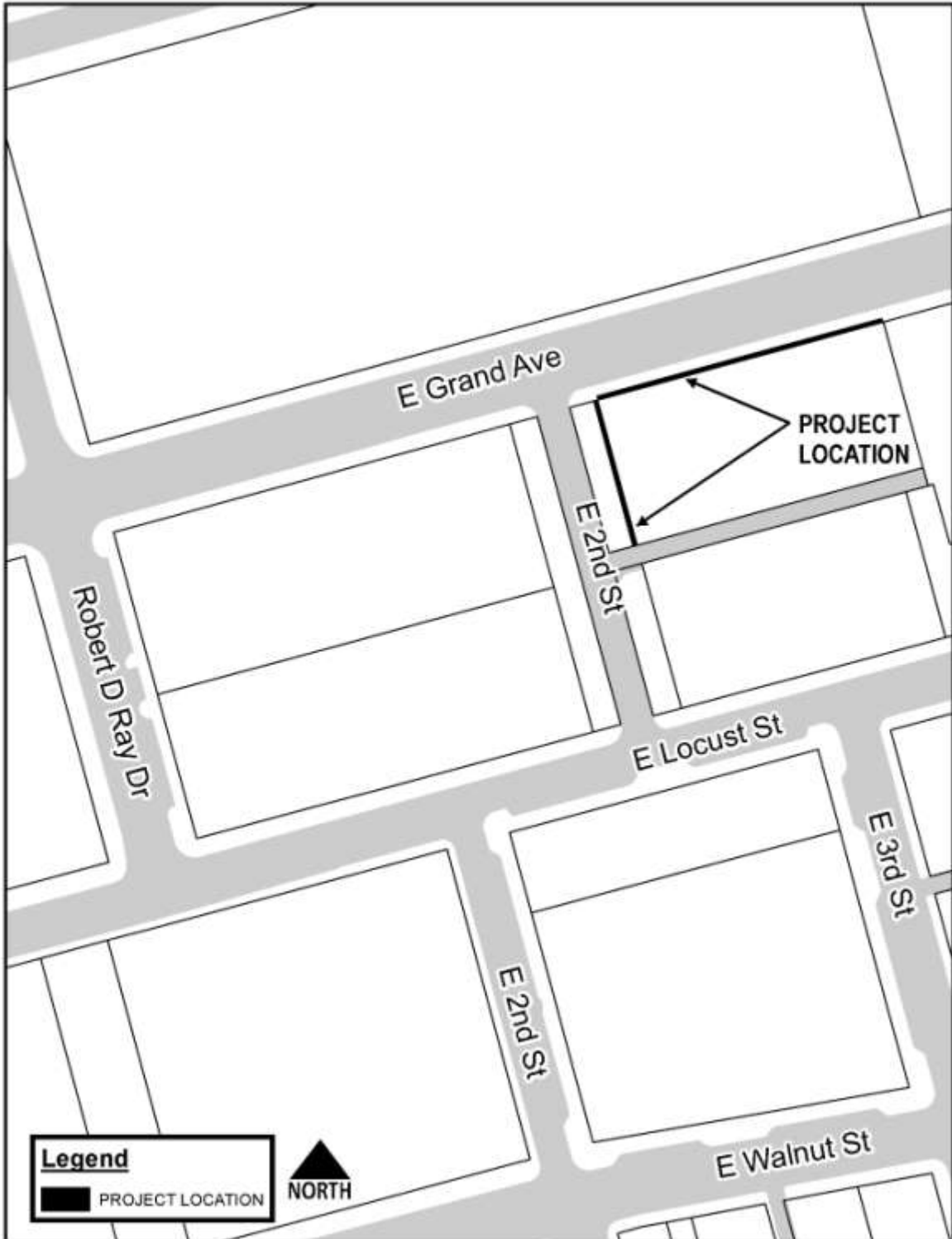
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

On December 7, 2015, by Roll Call No. 15-2049, 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 219 Grand, LLC for the vacation of the air rights over the south four (4) feet of East Grand Avenue right-of-way adjoining 219 East Grand Avenue and the east four (4) feet of East 2nd Street right of way adjoining 219 East Grand Avenue to allow for balcony encroachments, and for vacation of the subsurface rights within the south four (4) feet of East Grand Avenue right-of-way adjoining 219 East Grand Avenue to allow for building footings and foundation.

219 Grand, LLC, owner of the site of the proposed 6-story mixed use building project at 219 East Grand Avenue, has offered the City of Des Moines the purchase price of \$6,307 for conveyance of a Permanent Easement For Air Space Above City-owned Property in the vacated portion of East Grand Avenue right-of-way and in the vacated portion of East 2nd Street right-of-way, and a Permanent

Subsurface Easement for Building Encroachment in the vacated portion of East Grand Avenue right-of-way, all adjoining 219 East Grand Avenue. The air space easement areas to be conveyed consist of approximately 1,584-square-feet. The subsurface easement areas to be conveyed consist of approximately 1,040-square-feet. The purchase price of \$6,307 reflects the restricted-use fair market value of the easements as currently estimated by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: December 21, 2015

Roll Call Number: [15-2115](#)

Action: **On** vacation of air space and subsurface rights in a portion of City street right-of-way adjoining 219 E. Grand Avenue and conveyance of an air rights easement within E. Grand Avenue and E. 2nd Street and conveyance of a subsurface easement within E. Grand Avenue to 219 Grand, LLC, \$6,307, (1-11-16). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: December 7, 2015

Roll Call Number: [15-2049](#)

Action: **Regarding** request from 219 Grand, LLC for vacation of the air rights over the south four (4) feet of E. Grand Avenue and the east four (4) feet of E. 2nd Street to allow for balcony encroachments and for vacation of the subsurface rights within the north four (4) feet of E. Grand Avenue, to allow for the building footings and foundation. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: November 19, 2015

Resolution Number: Recommend approval of the request from 219 Grand, LLC for the vacation of the air rights over the south four (4) feet of East Grand Avenue right-of-way adjoining 219 East Grand Avenue and the east four (4) feet of East 2nd Street right of way adjoining 219 East Grand Avenue to allow for balcony encroachments, and for vacation of the subsurface rights within the south four (4) feet of East Grand Avenue right-of-way adjoining 219 East Grand Avenue to allow for building footings and foundation.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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