 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 25, 2016
	Agenda Item No. 49 Roll Call No. <u>16-0156</u> Communication No. <u>16-041</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of East Martin Luther King, Jr. Parkway right-of-way adjoining 504 Southeast 6th Street and conveyance of a Permanent Easement for Building Encroachment to Buchanan Holdings, LLC for \$2,438.

SYNOPSIS:

Recommend approval for vacation of said right-of-way and conveyance of a Permanent Easement for Building Encroachment to Buchanan Holdings, LLC, Christopher S. Buchanan, Manager, 1380 McKinley Avenue, Des Moines, Iowa 50315, for the purpose of mitigating an existing encroachment of the building at 504 Southeast 6th Street into the East Martin Luther King, Jr. Parkway 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.

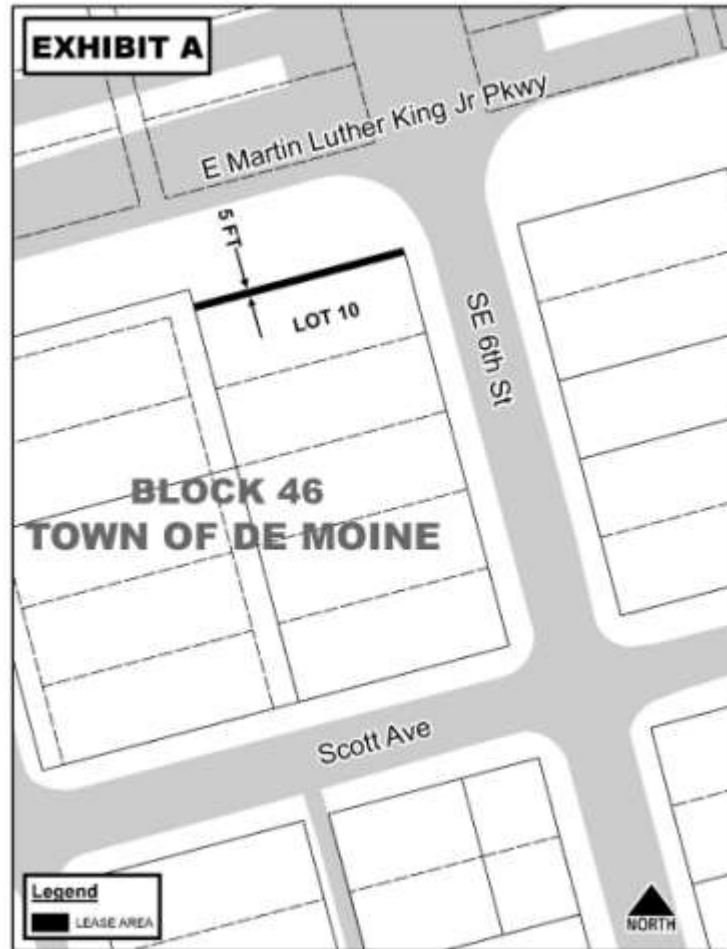
FISCAL IMPACT:

Amount: \$2,438 (Revenue)

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

ADDITIONAL INFORMATION:

Buchanan Holdings, LLC is the owner of the property at 504 Southeast 6th Street. An exterior design element on the north face of the building encroaches into the adjoining East Martin Luther King, Jr. Parkway right-of-way. In October 2014, the City of Des Moines granted Buchanan Holdings, LLC a 1-year license for the encroachment with the mutual understanding that a more permanent agreement would be entered into upon expiration of the License Agreement. Buchanan Holdings, LLC has offered the City of Des Moines the purchase price of \$2,438 for a Permanent Easement for Building Encroachment along East Martin Luther King, Jr. Parkway right-of-way adjoining 504 Southeast 6th Street, in order to permanently mitigate the existing encroachment. The easement area consists of approximately 7,500-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 East Martin Luther King, Jr. Parkway. 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: January 11, 2016

Roll Call Number: [16-0043](#)

Action: [On](#) vacation of a portion of E. Martin Luther King, Jr. Parkway right-of-way adjoining 504 SE 6th Street and conveyance of a permanent easement for building encroachment to Buchanan Holdings, LLC, \$2,438, (1-25-16). Moved by Hensley to adopt. Motion Carried 7-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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