 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 22, 2016
	Agenda Item No.	14
	Roll Call No.	<u>16-0263</u>
	Communication No.	<u>16-083</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Resolution authorizing and approving partial release of Permanent No-Build Easement reservation over a portion of vacated Southwest 1st Street right-of-way between Jackson Avenue and Granger Avenue for \$825.

SYNOPSIS:

Recommend approval of the resolution authorizing and approving partial release of Permanent No-Build Easement reservation over a portion of vacated Southwest 1st Street right-of-way between Jackson Avenue and Granger Avenue for \$825. Partial release of the Permanent No-Build Easement will allow Indy East, LLC to construct building improvements within a small portion of the original restricted area.

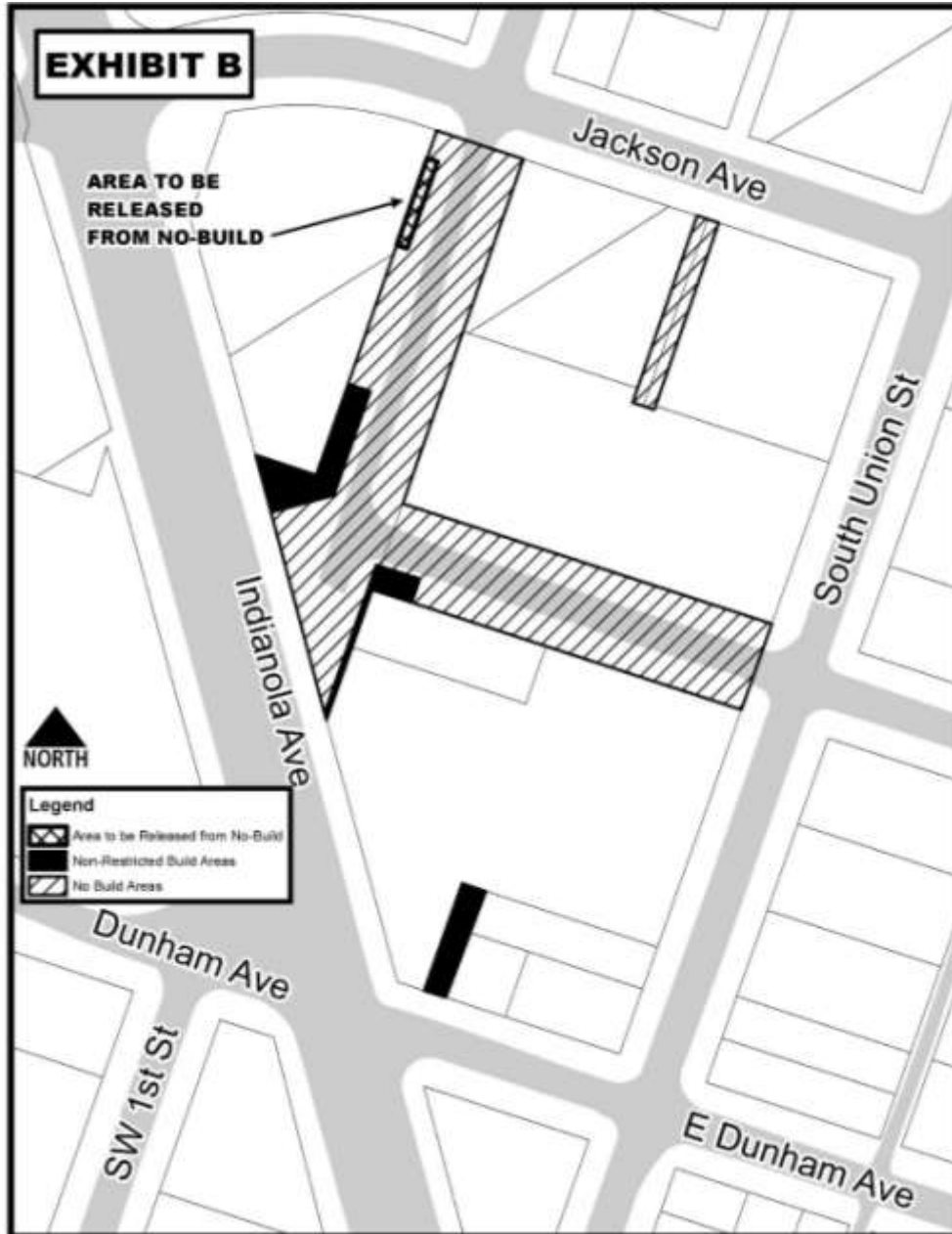
FISCAL IMPACT:

Amount: \$825 (Revenue)

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

ADDITIONAL INFORMATION:

- On September 28, 2015, by Roll Call No. 15-1637, the City Council of the City of Des Moines, Iowa approved the vacation of Southwest 1st Street right-of-way between Jackson Avenue and Granger Avenue and conveyed the same to Indy East, LLC.
- Said conveyance was subject to the reservation by City of a permanent no-build easement prohibiting the construction of any structure, building, or other improvements over or within a specific portion of the property. The fair market value of the encumbered property was reduced to reflect this no-build easement restriction.
- Indy East, LLC has since determined that certain building elements will encroach into a portion of the no-build easement area and is now requesting that a small area of 533-square-feet be released to allow for construction of these building elements.
- Indy East, LLC has agreed to pay \$825 for a partial release of the no-build easement, which amount is the difference between the full fair market value of the property and the no-build easement restricted fair market value.



PREVIOUS COUNCIL ACTION(S):

Date: September 28, 2015

Roll Call Number: [15-1637](#)

Action: [On](#) vacation and conveyance of various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street to Neighborhood Development Corporation (NDC), \$83,260. ([Council Communication No. 15-503](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: February 6, 2014

Resolution Number: 11-2013-1.20

Action: Staff recommends approval of the requested vacation of Granger Avenue from Indianola Avenue to South Union Street and Southwest 1st Street from Jackson Avenue to Indianola Avenue, subject to the following conditions:

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.
2. Reservation of access easements for all existing access drives serving existing uses, until such time as they are redeveloped.
3. Review and approval of a conceptual development plan for the adjoining property by the Community Development Director prior to any Council action to convey the vacated rights-of-way and subject parcels.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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