

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: February 22, 2016
	Agenda Item No. 59 Roll Call No. <u>16-0341</u> Communication No. <u>16-086</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer, Benjamin Page, Park and Recreation Director

AGENDA HEADING:

Continued hearing for vacation and conveyance of an estimated 0.61-acres of Allen Park to Eagle View Lofts, LLC for \$1.00 in exchange for a perpetual easement for public ingress-egress, parking, and dumpster space dedicated for Allen Park users.

SYNOPSIS:

Recommend approval for vacation and conveyance of an estimated 0.61-acres of Allen Park to Eagle View Lofts, LLC for \$1.00 in exchange for a perpetual easement for public ingress-egress, parking, and dumpster space dedicated for Allen Park users to February 22, 2016, to allow Eagle View Lofts, Inc. additional time for procurement of financing for the project. This action is required by Iowa law prior to making a final determination on the proposed easement by resolution.

Eagle View Lofts, LLC will be responsible for construction and maintenance of a paved parking lot, and will grant the City a perpetual easement for the following uses by the City:

- Exclusive right to 10 parking spaces in the parking lot during park hours, with the remaining parking spaces of said parking lot to be used by the Eagle View Loft residents.
- Provide an adjacent space for a dumpster and enclosing structure.
- Provide ingress-egress to the parking lot and dumpster for users of Allen Park and the new community garden.

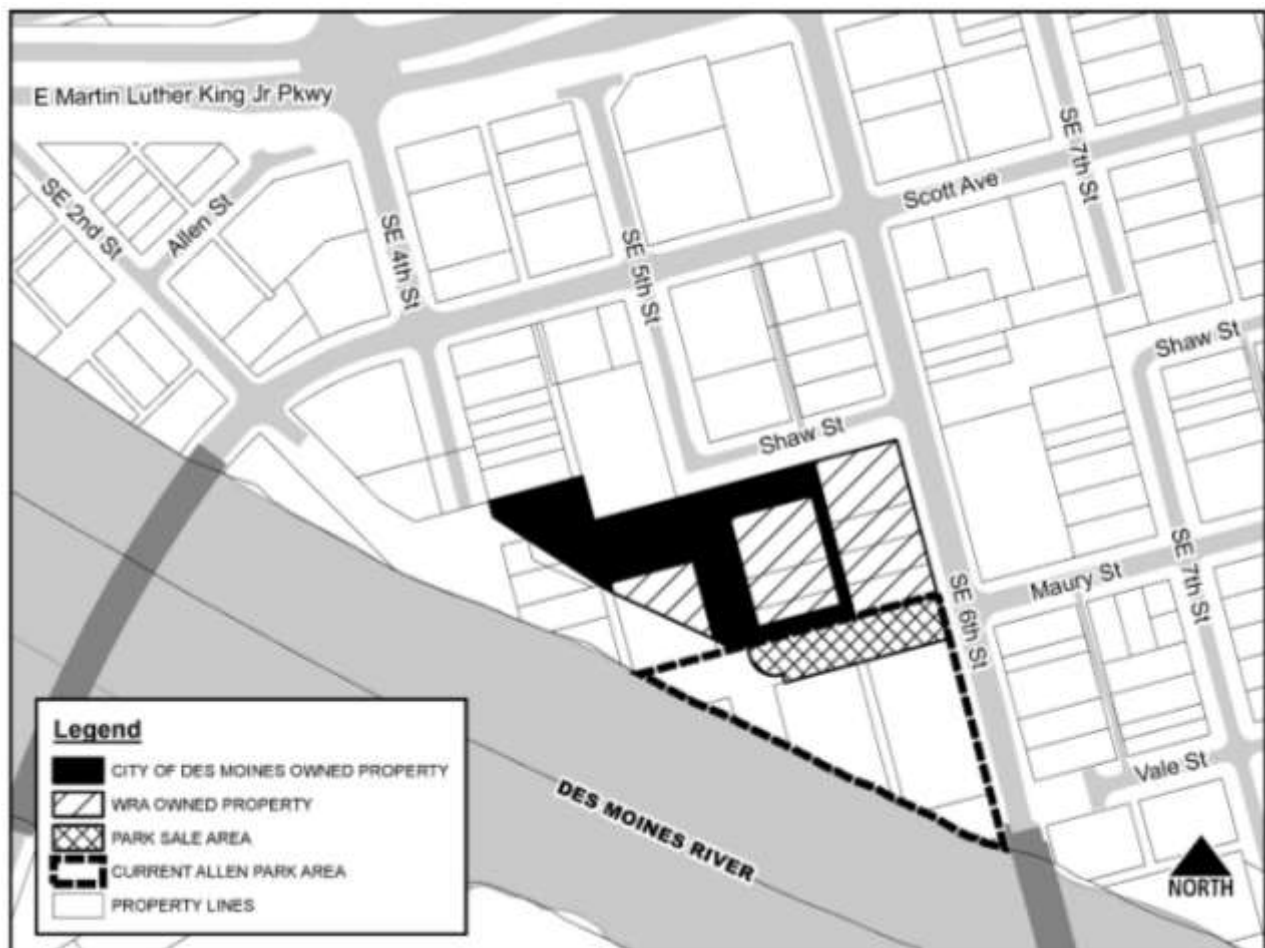
FISCAL IMPACT:

There will not be any proceeds to the City for this land exchange. The estimated fair market value of the City’s 0.61-acres of parkland is \$45,281, which is less than the estimated value of \$58,904 for the perpetual easement for the parking spaces, dumpster space, and ingress-egress thereto.

ADDITIONAL INFORMATION:

- In July 2014, Eagle View Lofts, LLC, the Des Moines Wastewater Reclamation Authority (WRA), and the City of Des Moines have entered into a purchase agreement for purchase of WRA and City owned property adjoining Allen Park, for construction of 100-120 market rate residential dwelling units within multiple structures.

- During the design of the Eagle View Lofts project and the new community garden at Allen Park, it became apparent that both the Eagle View Lofts project and the new community garden at Allen Park could benefit from a shared parking lot to be constructed and maintained by Eagle View Lofts.
- The shared parking lot requires vacation and conveyance of approximately 26,449-square-foot or 0.61-acres of Allen Park, subject to the following conditions:
 1. Perpetual easement for the exclusive right to 10 parking spaces during park hours in the parking lot, adjacent space for dumpster and enclosing structure, and ingress-egress thereto for users of Allen Park and the new community garden, with the remaining parking spaces of said parking lot to be used by Eagle View Loft residents.
 2. The conveyance documents preserve the City’s reversionary ownership interest in the property, so if Eagle View Lofts, LLC fails to construct or maintain the improvements as described above or otherwise fails to abide by the terms and conditions set forth in the conveyance documents, ownership of the property shall revert back to the City.
- There will not be any proceeds to the City for this land exchange. The estimated fair market value of the City’s 0.61-acres of parkland is \$45,281, which is less than the estimated value of \$58,904 for the perpetual easement for the parking spaces, dumpster space, and ingress-egress thereto.



PREVIOUS COUNCIL ACTION(S):

Date: February 8, 2015

Roll Call Number: [16-0229](#)

Action: [On](#) vacation and conveyance of an estimated 0.61 acres of Allen Park to Eagle View Lofts, LLC for \$1 in exchange for a perpetual easement for public ingress-egress, parking and dumpster space dedicated for Allen Park users, and to continue to February 22, 2016 at 5:00 PM. ([Council Communication No. 16-064](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: September 22, 2015

Resolution Number: 15-064

Action: Approve a recommendation that City Council vacate and convey an estimated 0.63-acres of Allen Park, located at 806 SE 6th Street, to Eagle View Lofts, LLC for \$1.00, in exchange for a perpetual easement for the use of 10 parking spaces dedicated for Allen Park users on a parking lot constructed and maintained by Eagle View Lofts, LLC and accept the donation of the grading of Allen Park to prepare for community gardens. Motion by Feltner to approve the Allen Park land vacation and conveyance, Second by Woodard, Motion carried.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.