 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b>	March 7, 2016
	<b>Agenda Item No.</b>	<b>54</b>
	<b>Roll Call No.</b>	<b><u>16-0424</u></b>
	<b>Communication No.</b>	<b><u>16-117</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for conveyance of a portion of West Martin Luther King, Jr. Parkway (also known as Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway and of a portion of Southwest 4th Street lying south of West Martin Luther King, Jr. Parkway to Eychaner Holdings, Inc. for \$22,500.

**SYNOPSIS:**

Recommend approval of the conveyance of a portion of West Martin Luther King, Jr. Parkway (also known as Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway and of a portion of Southwest 4th Street lying south of West Martin Luther King, Jr. Parkway to Eychaner Holdings, Inc. for \$22,500, subject to conditions contained in the Planning and Zoning Commission recommendation, the offer to purchase, and to the conditions set forth in Vacation Ordinance 15,409 recorded in the Office of the Recorder of Polk County, Iowa on November 10, 2015. The sale of these portions of street right-of-way will allow Eychaner Holdings, Inc., owner of 300 West Martin Luther King, Jr. Parkway, to provide direct access to West Martin Luther King, Jr. Parkway as part of the development of his property, while maintaining access rights for the remaining two (2) adjoining property owners. There is no current or anticipated public need or benefit for the right-of-way to be vacated and conveyed.

**FISCAL IMPACT:**

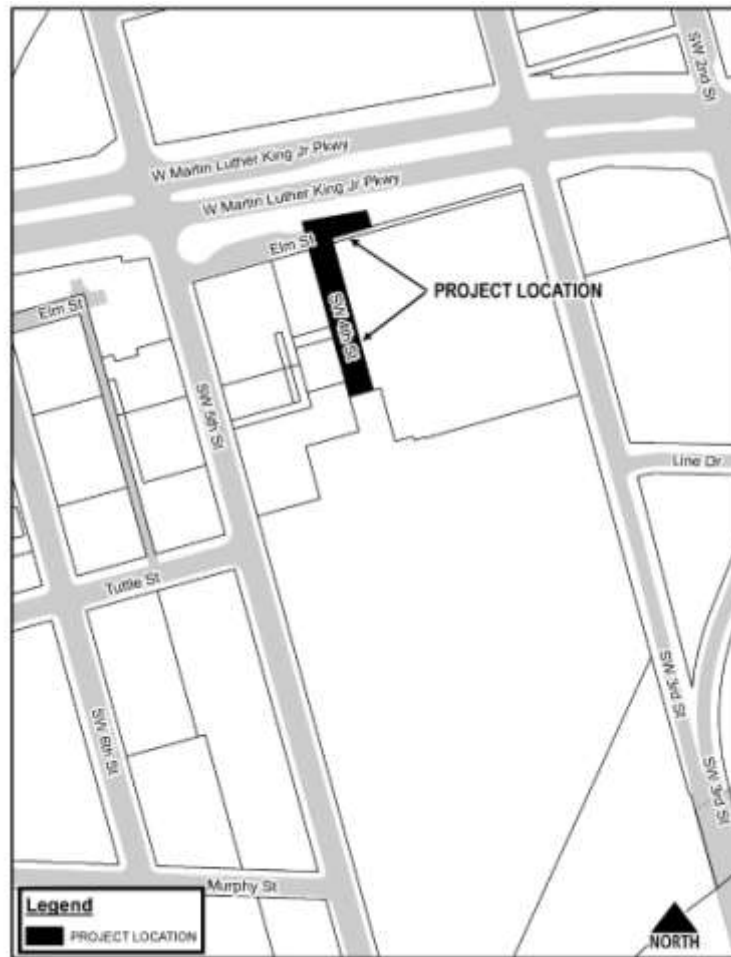
Amount: \$22,500 (Revenue)

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

**ADDITIONAL INFORMATION:**

- July 27, 2015, by Roll Call No. 15-1237, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that a 46-foot by 112.5-foot segment of SW 4th Street be vacated.
- September 14, 2015, by Roll Call No. 15-1506, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission, that a segment of SW 4th Street lying south of West Martin Luther King, Jr. Parkway, and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway be vacated, subject to conditions.

- October 12, 2015, by Roll Call No. 15-1725, City Council adopted Ordinance No. 15,409 vacating portions of Southwest 4th Street and West Martin Luther King, Jr. Parkway (also known as Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway, as legally described below (“Property”), subject to the following:
  1. Reservation of any necessary easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or are relocated.
  2. Provision of private drive connections to West Martin Luther King, Jr. Parkway and Southwest 5th Street from 300 West Martin Luther King, Jr. Parkway, if determined necessary following further discussion with the City Traffic Engineer regarding the need and requirements for provision of private access easements for separately owned private properties adjoining to the west.
    - a) This vacation shall not become effective until such time that Eychaner Holdings, Inc. has provided the City of Des Moines with the aforementioned access easement to be reviewed, and subject to the approval of the Legal Department of the City of Des Moines. This condition shall be deemed satisfied upon the recording of an affidavit from the Real Estate Manager acknowledging all conditions have been satisfied.
  3. The access from remaining Elm Street to the west shall be closed with a permanent barrier, including a curb and a landscaped berm.
  4. Restoration of the vacated Elm Street right-of-way by the purchaser in accordance with an administratively approved site plan.
- Condition 2 (a) above has been satisfied.
- Eychaner Holdings, Inc., owner of 300 West Martin Luther King, Jr. Parkway, has offered to purchase the portion of West Martin Luther King, Jr. Parkway (also known as Elm Street) adjoining 300 West Martin Luther King, Jr. Parkway and the portion of Southwest 4th Street lying south of West Martin Luther King, Jr. Parkway, for \$22,500, subject to the conditions listed above, a site plan approved by the City, and further subject to a No-build Easement.
- The property to be conveyed consists of approximately 18,028 square feet and the purchase price of \$22,500 is equal to the restricted-use fair market value of the property, as determined by the City’s Real Estate Division.
- There is no current or anticipated public need for this property and the City’s conveyance of the vacated right-of-way will allow the buyer to provide direct access to West Martin Luther King, Jr. Parkway as the adjoining property is redeveloped.



**PREVIOUS COUNCIL ACTION(S):**

Date: February 22, 2016

Roll Call Number: [16-0273](#)

Action: [On](#) conveyance of a portion of West Martin Luther King Jr. Parkway, (also known as Elm Street) adjoining 300 West Martin Luther King Jr. Pkwy., and a portion of SW 4th Street lying south of West Martin Luther King Jr. Pkwy., to Eychaner Holdings, Inc., \$22,500, (3-7-16). Moved by Gatto to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: September 3, 2015

Resolution Number: [11-2015-1.14](#)

Action: [Recommend](#) approval of request to vacate Southwest 4th Street south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King, Jr. Parkway (also known as Elm Street) between Southwest 3rd Street and Southwest 4th Street.

Board: Plan and Zoning Commission

Date: July 16, 2015

Resolution Number: [11-2015-1.04](#)

Action: [Recommend](#) approval of the request to vacate a 46 feet by 112.5 feet segment of Southwest 4th Street right-of-way.

**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](mailto:cityclerk@dmgov.org).