 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	April 11, 2016
	Agenda Item No.	16
	Roll Call No.	<u>16-0557</u>
	Communication No.	<u>16-196</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 alley right-of-way adjoining 4 Jackson Avenue for \$3,661.

SYNOPSIS:

Recommend approval of the resolution authorizing and approving partial release of Permanent No-Build Easement reservation over a portion of vacated alley right-of-way adjoining 4 Jackson Avenue for \$3,661. Partial release of the Permanent No-Build Easement will allow South Union Corner, L.L.C. to include the alley right-of-way with the redevelopment of the adjoining properties.

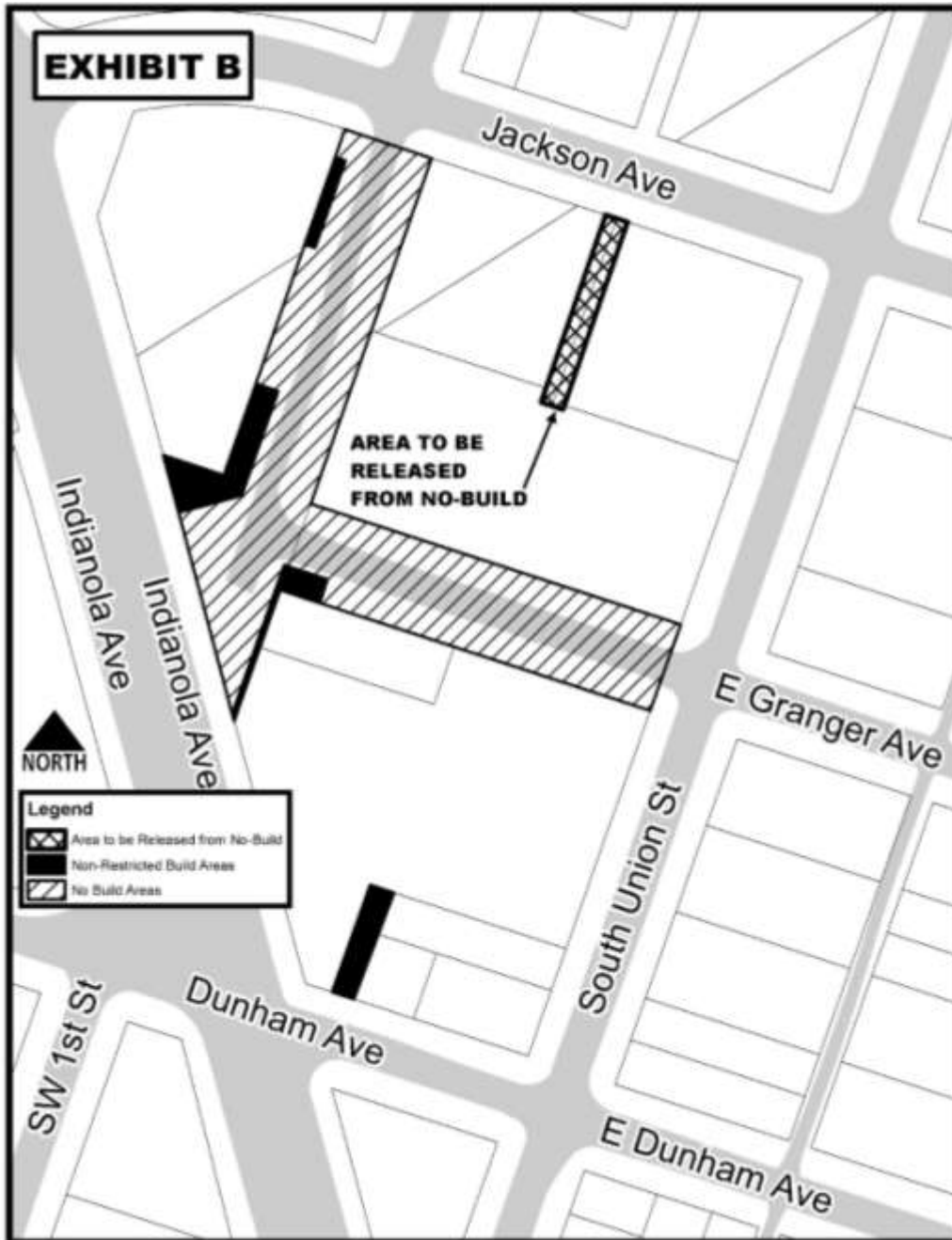
FISCAL IMPACT:

Amount: \$3,661 (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 a portion of vacated north/south alley right-of-way between Southwest 1st Street and South Union Street, from Jackson Avenue to a point 143 feet to the south and conveyed the same to Indy East, LLC, successor in interest to Neighborhood Development Corporation.
- 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.
- South Union Corner, L.L.C. has acquired the properties adjoining the alley right-of-way and is now requesting a release of the no-build easement over the vacated north/south alley right-of-way containing 2,362 square feet to allow for redevelopment.
- South Union Corner, L.L.C. has agreed to pay \$3,661 for the 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: September 3, 2015

Resolution Number: 11-2015-1.13A

Action: Staff recommends approval of the request to vacate the requested alley segment between Southwest 1st Street and South Union Street, from Jackson Avenue to a point 143 feet to the south subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or relocated.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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