 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	April 25, 2016
	Agenda Item No.	58
	Roll Call No.	<u>16-718</u>
	Communication No.	<u>16-209</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and lease of a portion of 14th Street right-of-way adjoining 1459 Grand Avenue to Linden Street Investments, L.L.C., in exchange for a permanent easement for public pedestrian way across adjoining property owned by Linden Street Investments, L.L.C.

SYNOPSIS:

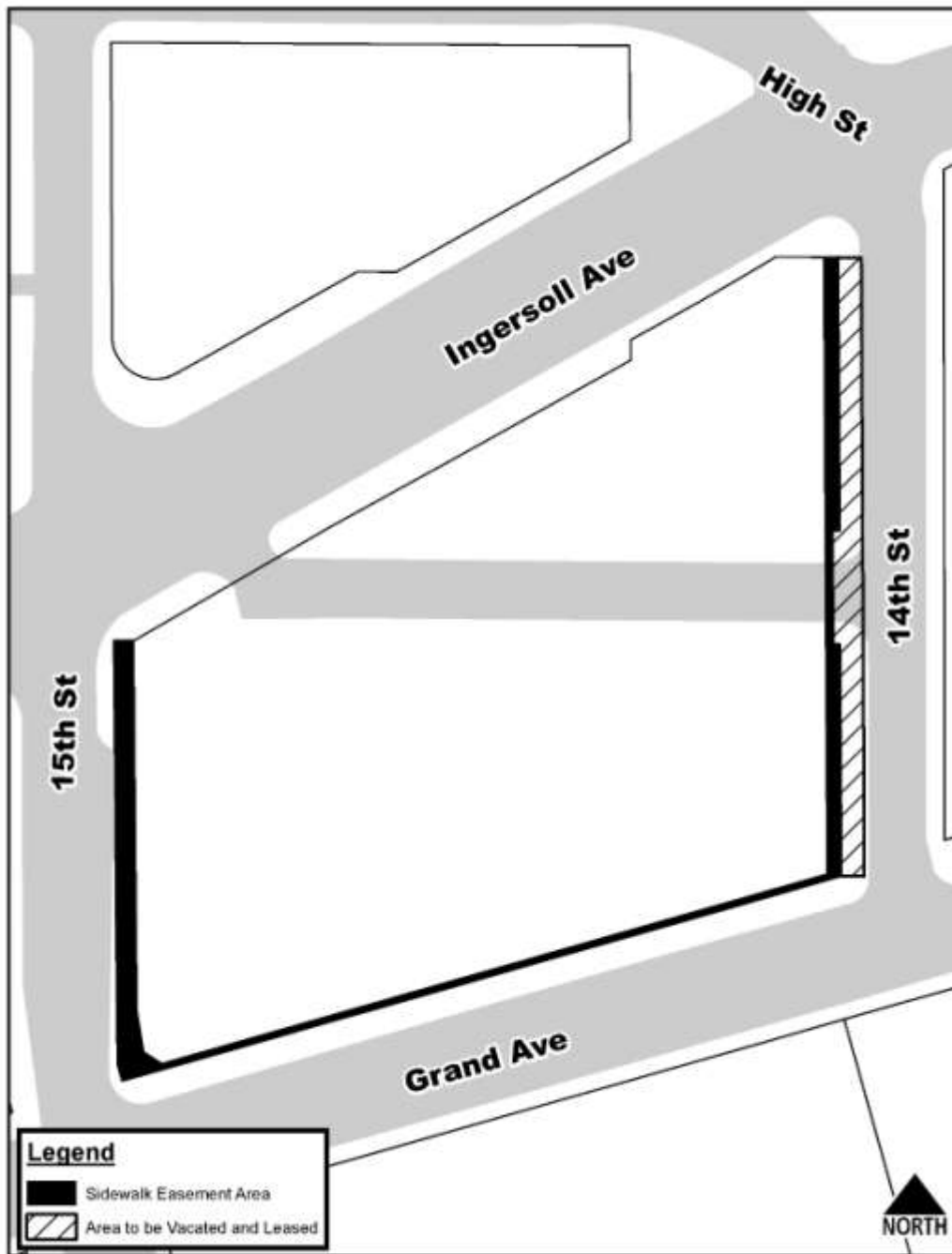
Recommend approval of the request from Linden Street Investments, L.L.C., 1459 Grand Avenue, Des Moines, IA 50309, for vacation and lease of a portion of 14th Street right-of-way adjoining 1459 Grand Avenue. Linden Street Investments, L.L.C. has asked to lease a portion of 14th Street right-of-way in order to provide vendor and visitor parking for the new Krause Gateway Center building currently under construction at 1459 Grand Avenue, and in exchange Linden Street Investments, L.L.C. will convey to the City of Des Moines a Permanent Easement for Public Pedestrian Way across three (3) sides of their adjoining property. This action is required by Iowa law prior to making a final determination on the proposed vacation and lease agreement by resolution. The City will not be inconvenienced by approval of the proposed vacation and lease agreement and will benefit from receiving the pedestrian way easement.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- The City’s Real Estate Division has negotiated a 25 year Lease Agreement with Linden Street Investments, L.L.C. for the use of a portion of 14th Street right-of-way adjoining 1459 Grand Avenue in order to provide vendor and visitor parking for the new Krause Gateway Center building. The lease term is from April 1, 2018 through March 31, 2043, with an option to renew for one (1) additional 25 year term running through March 31, 2068.
- Use of the Leased Premises is limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, with all other times reserved for use by the general public.
- The Lease Agreement is also subject to, any and all, easements and reservations for existing or the placement of new utilities within the Leased Premises and the City reserves the right to temporarily close off 14th Street and the Leased Premises for any new or existing street work, new or existing utility work, or any other public improvement.

- The City's Real Estate Division has determined that the fair market value of the Lease Agreement is equal to the fair market value of the Permanent Easement for Public Pedestrian Way, so there is no financial impact for this transaction.



PREVIOUS COUNCIL ACTION(S):

Date: April 11, 2016

Roll Call Number: [16-0563](#)

Action: [On](#) vacation and lease of a portion of 14th Street right-of-way adjoining 1459 Grand Avenue to Linden Street Investments, LLC in exchange for a permanent easement for a public pedestrian way across adjoining property owned by Linden Street Investments, LLC, (4-25-16). Moved by Coleman to adopt. Motion Carried 7-0.

Date: March 21, 2016

Roll Call Number: [16-0462](#)

Action: [Regarding](#) request from Linden Street Investments, LLC for vacation of the surface rights on the west 13.5 feet of 14th Street to allow use of the area for private visitor and vendor parking. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: March 3, 2016

Resolution Number: 11-2016-1.02

Action: [Recommend](#) approval of a request from Linden Street Investments, LLC (owner), 1429 Grand Avenue, represented by Charles Campbell (registered agent) for vacation of the surface rights on the west 13.5 feet of 14th Street adjoining the east side of the subject property to allow use of the area for private visitor and vendor parking.

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.