 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	May 9, 2016
	<b>Agenda Item No.</b>	<b>52</b>
	<b>Roll Call No.</b>	<b><u>16-0797</u></b>
	<b>Communication No.</b>	<b><u>16-240</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue to DJ Ingersoll Properties, L.L.C. for \$5,115.

**SYNOPSIS:**

Recommend approval of the vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue to DJ Ingersoll Properties, L.L.C., Darby Smith, Manager, 2120 Ingersoll Avenue, Des Moines, Iowa 50312, for \$5,115. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The sale of this portion of street right-of-way will allow DJ Ingersoll Properties, L.L.C. to purchase an outdoor seating area and patio that was leased by previous owners of the adjoining restaurant and lounge business. There is no current or anticipated public need or benefit for the right-of-way to be conveyed and the property will be returned to the tax rolls.

**FISCAL IMPACT:**

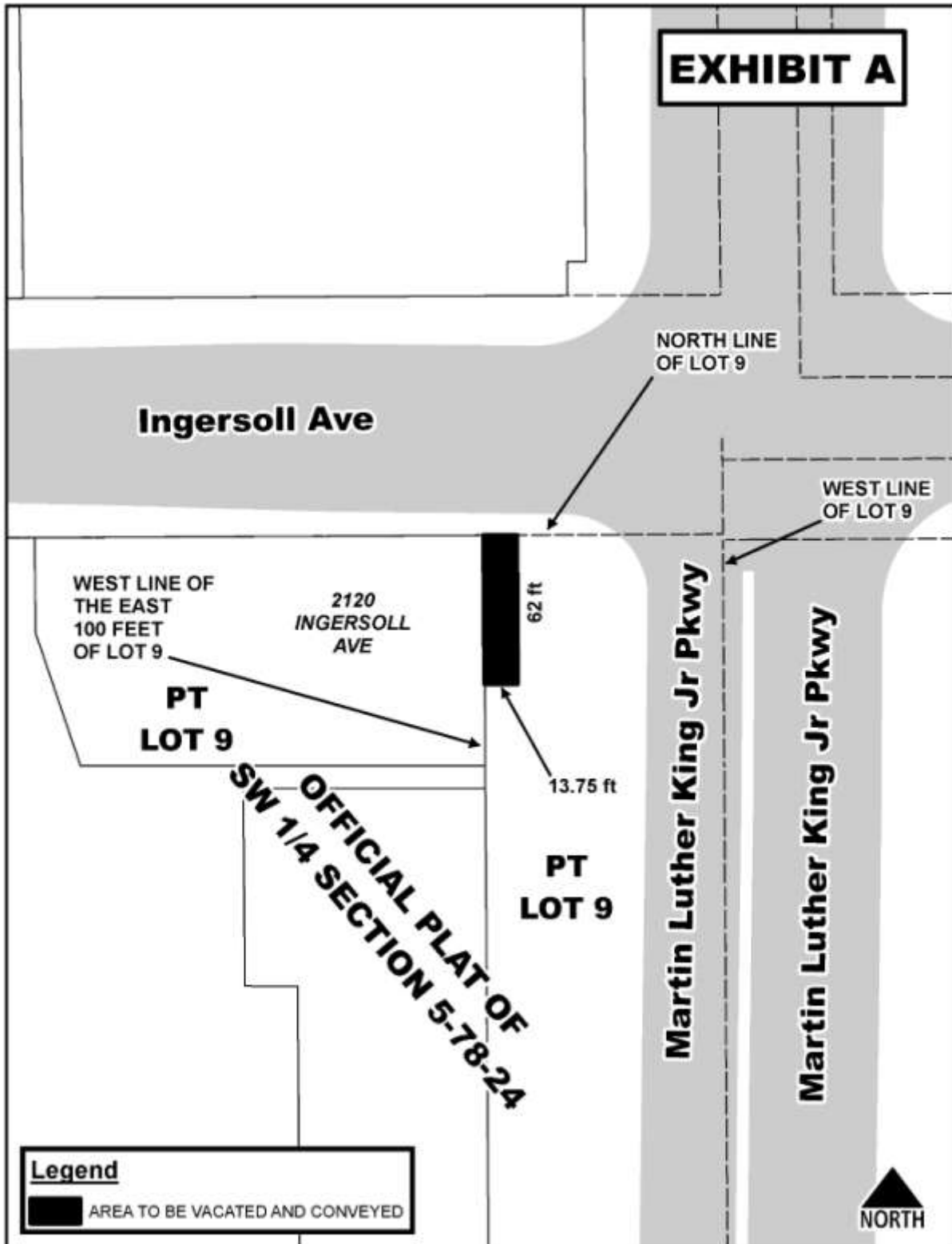
Amount: \$5,115 (Revenue)

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

**ADDITIONAL INFORMATION:**

- On April 26, 2016, by Roll Call No. 16-0674, City Council adopted a recommendation from the City Plan and Zoning Commission approving a request from DJ Ingersoll Properties, L.L.C., for the vacation of a 13.75-foot by 62-foot segment of Martin Luther King, Jr. Parkway Right-of-Way adjoining 2120 Ingersoll Avenue, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated.
- DJ Ingersoll Properties, L.L.C. has offered to the City the purchase price of \$5,115.00 for the vacation and purchase of the right-of-way adjoining its property in order to purchase an outdoor seating and patio area that was leased by previous owners of the adjoining restaurant and lounge business.
- The property to be conveyed consists of approximately 852.5 square feet and the purchase price of \$5,115.00 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 own the patio space and other site edge improvements for the adjoining restaurant and lounge property, and the property will also be returned to the tax rolls.



**PREVIOUS COUNCIL ACTION(S):**

Date: April 25, 2016

Roll Call Number: [16-0673](#) and [16-0674](#)

Action: [On](#) vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue to DJ Ingersoll Properties, LLC for use as an outdoor seating and patio area, \$5,115, (5-9-16). Moved by Hensley to adopt. Motion Carried 7-0.

(A) [Communication](#) from Plan and Zoning Commission. Moved by Hensley to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

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

Board: City Plan and Zoning Commission

Date: April 7, 2016

Resolution Number: 11-2016-1.03

Action: Recommend approval of the request from DJ Ingersoll Properties, L.L.C. to vacate a 13.75-foot by 62-foot segment of Martin Luther King, Jr. Parkway Right-of-Way adjoining 2120 Ingersoll Avenue, subject to reservation of easements for all existing utilities in place.

**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).