 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	May 23, 2016
	Agenda Item No.	49
	Roll Call No.	[_____]
	Communication No.	<u>16-278</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of air space and subsurface rights in a portion of City right-of-way adjoining 215 East 3rd Street and conveyance of a permanent easement for building encroachment and a permanent easement for air space above City-owned property to 215 East 3rd Street, LLC for \$683.

SYNOPSIS:

Recommend approval for vacation of said right-of-way and conveyance of a permanent easement for building encroachment and a permanent easement for air space above City-owned property to 215 East 3rd Street, LLC, Jake Christensen, President and Manager, 215 East 3rd Street, Suite 300, Des Moines, Iowa, 50309, to allow for encroachment of an entrance canopy feature with support beams and grain silo element into the right-of-way adjoining 215 East 3rd Street, Suite 100. There is no current or anticipated public need for the easement area to be conveyed. This action is required by Iowa law prior to making a final determination on the proposed easement by resolution.

FISCAL IMPACT:

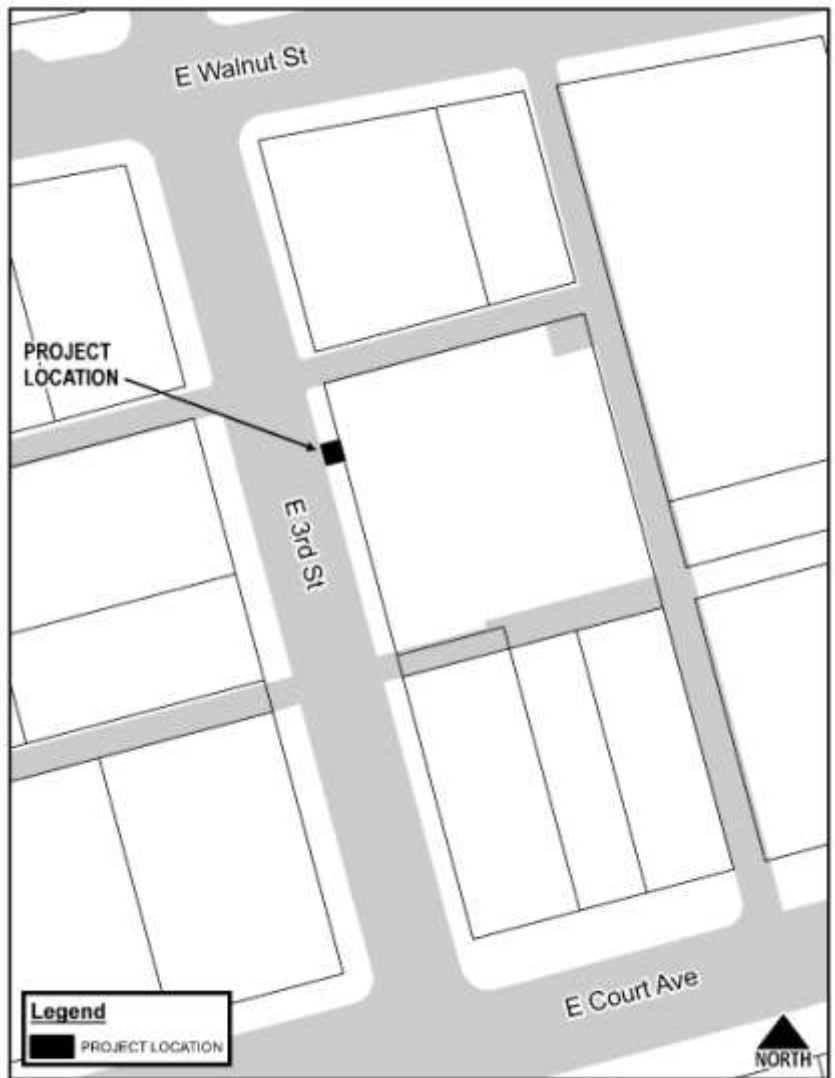
Amount: \$683 (Revenue)

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

ADDITIONAL INFORMATION:

- On April 25, 2016, by Roll Call No. 16-0667, the City Council of the City of Des Moines, Iowa, received and filed a communication from the City Plan and Zoning Commission recommending approval of a request from 215 East 3rd Street, LLC for the vacation of a 9-foot by 10-foot segment of East 3rd Street adjoining 215 East 3rd Street (hereinafter “City Right-of-Way) to allow for encroachment of an entrance canopy feature with support beams and grain silo element, subject to the following conditions:
 - 1) Review and approval of the finalized canopy design and elevations by the City’s Planning Administrator.
 - 2) Review and approval of an amended Site Plan by the City's Permit and Development Center for any modified parkway planting scheme along East 3rd Street to accommodate the proposed canopy structure ensuring provision of a minimum 6 feet of public pedestrian way clearance.

- 3) Compliance with all conditions of the existing Non-exclusive Easement for Encroachment onto City-owned Property allowing door swings.
 - 4) Reservation by the City of easements for all existing utilities in place until such time that they are abandoned or are relocated.
 - 5) Compliance with all administrative review comments of the City's Permit and Development Center.
- 215 East 3rd Street, LLC, owner of the adjoining property at 215 East 3rd Street, has offered to the City the purchase price of \$683 for the purchase of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space Above City-Owned Property in the vacated East 3rd Street right-of-way adjoining 215 East 3rd Street. The building encroachment easement area to be conveyed consists of approximately 14 square feet. The air space easement area to be conveyed consists of approximately 90 square feet. The purchase price of \$683 reflects the fair market value of the easements as currently estimated by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: May 9, 2016

Roll Call Number: [16-0759](#)

Action: [On](#) vacation of air space and subsurface rights in a portion of City right-of-way adjoining 215 E. 3rd Street and conveyance of a permanent easement for air space above City-owned property to 215 East 3rd Street, LLC, \$683, (5-23-16). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: April 7, 2016

Resolution Number: 11-2016-1.08

Action: [Recommend](#) approval of a request from 215 East 3rd Street, LLC (owner), represented by Jake Christensen (officer), for vacation of a 9-foot by 10-foot segment of East 3rd Street adjoining 215 East 3rd Street to allow for encroachment of an entrance canopy feature with support beams and grain silo element, subject to conditions.

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 Administration Building, 400 E. Court Avenue. 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.