 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	September 26, 2016
	Agenda Item No.	53
	Roll Call No.	<u>16-1641</u>
	Communication No.	<u>16-556</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a segment of Boyd Street right-of-way located between East 21st Street and Delaware Avenue and conveyance to Dorothy Rhoades for \$200, to Gerald and Kathleen Overman for \$150, to Delaware Properties, L.L.C. for \$4,825 and to Boysen Properties, LLC for \$4,725.

SYNOPSIS:

Recommend approval for the vacation of a segment of Boyd Street right-of-way located between East 21st Street and Delaware Avenue and conveyance to Dorothy Rhoades, 2908 East 21st Street, Des Moines, Iowa, 50317 for \$200; to Gerald and Kathleen Overman, 2029 Boyd Street, Des Moines, Iowa, 50317, for \$150; to Delaware Properties, L.L.C., 2741 Delaware Avenue, Des Moines, Iowa, 50317, for \$4,825; and to Boysen Properties, LLC, 2905 Delaware Avenue, Des Moines, Iowa, 50317, for \$4,725.

This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The City’s conveyance of this property will allow the buyers to incorporate it into their adjoining parcels, and return the property to the tax rolls. There is no current or anticipated public need or benefit for this property.

FISCAL IMPACT:

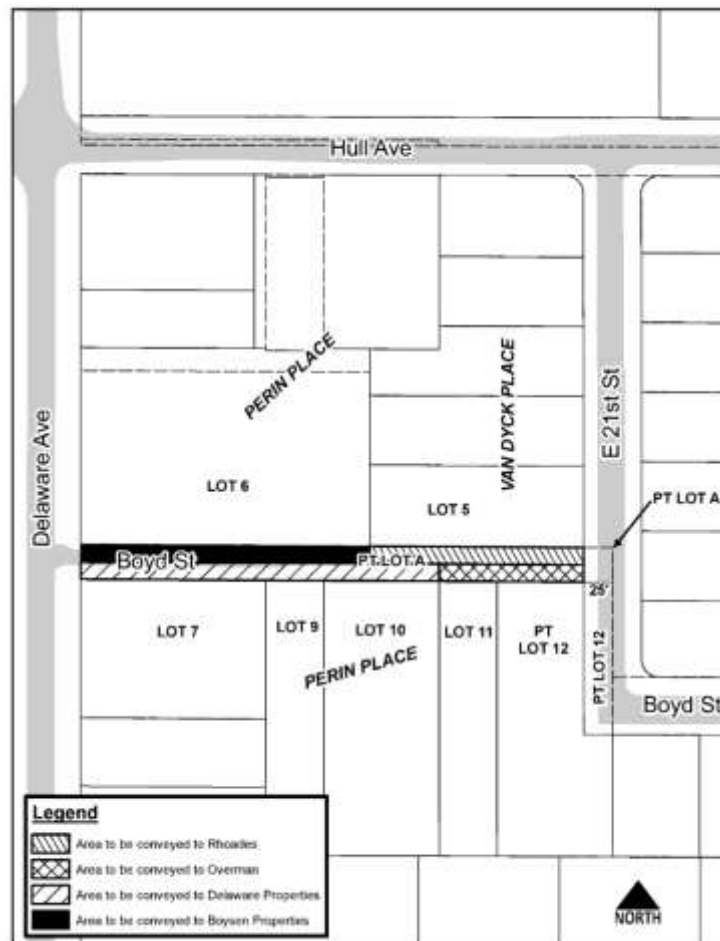
Amount: \$9,900 (Revenue)

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

ADDITIONAL INFORMATION:

- On August 8, 2016, by Roll Call No. 16-1305, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request from Boysen Properties, LLC for vacation of a segment of undeveloped Boyd Street right-of-way located between East 21st Street and Delaware Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated. The adjoining owners were all in favor and all expressed interest in acquiring the portion of right-of-way that adjoined their respective property.

- Boysen Properties, LLC, the owner of 2905 Delaware Avenue, has offered the City \$4,725 for purchase of the portion of alley right-of-way adjoining their property, which is equal to the fair market value for commercial zoned property as determined by the City’s Real Estate Division.
- Delaware Properties, L.L.C., the owner of 2741 Delaware Avenue, 2020 Boyd Street and 2025 Boyd Street, has offered the City \$4,825 for purchase of the portion of alley right-of-way adjoining their property, which is equal to the fair market value for commercial zoned property as determined by the City’s Real Estate Division.
- Gerald E. and Kathleen M. Overman, the owners of 2029 Boyd Street, have offered the City \$150 for purchase of the portion of alley right-of-way adjoining their property, which is equal to the fair market value for residential zoned property as determined by the City’s Real Estate Division.
- Dorothy E. Rhoades, the owner of 2908 East 21st Street, has offered the City \$200 for purchase of the portion of alley right-of-way adjoining their property, which is equal to the fair market value for residential zoned property as determined by the City’s Real Estate Division.
- There is no current or anticipated public need for the alley right-of-way to be vacated and conveyed and the City will not be inconvenienced by this action.



PREVIOUS COUNCIL ACTION(S):

Date: September 12, 2016

Roll Call Number: [16-1510](#)

Action: [On](#) vacation of a segment of Boyd Street right-of-way between E. 21st Street and Delaware Avenue and conveyance to Dorothy Rhoades, \$200, to Gerald and Kathleen Overman, \$150, to Delaware Properties, LLC for \$4,825 and to Boysen Properties, LLC, \$4,725, (9-26-16).

Date: August 8, 2016

Roll Call Number: [16-1305](#)

Action: [Regarding](#) request from Boysen Properties, LLC for vacation of a segment of undeveloped Boyd Street between Delaware Avenue and E. 21st Street to allow for future site expansion. 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: July 21, 2016

Resolution Number: 11-2016-1.15

Action: [Recommend](#) approval of the vacation request subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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