 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	September 26, 2016
	Agenda Item No.	55
	Roll Call No.	<u>16-1647</u>
	Communication No.	<u>16-558</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of air space and subsurface rights in portions of street and alley right-of-way adjoining 717 Grand Avenue and conveyance of a permanent easement for air space within 8th Street and Locust Street right-of-way, and conveyance of a permanent subsurface easement within 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street, to R & T Lofts, L.P. for \$124,000.

SYNOPSIS:

Recommend approval for vacation of air space and subsurface rights in portions of street and alley right-of-way adjoining 717 Grand Avenue and conveyance of a permanent easement for air space within 8th Street and Locust Street right-of-way, and conveyance of a permanent subsurface easement within 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street, to R & T Lofts, L.P., Louis A. Knoble, Member, 707 E. North Street, Suite 800, Indianapolis, Indiana, 46202, for \$124,000, in order to mitigate existing second floor awning encroachments and building footing and foundation encroachments. 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: \$124,000 (Revenue)

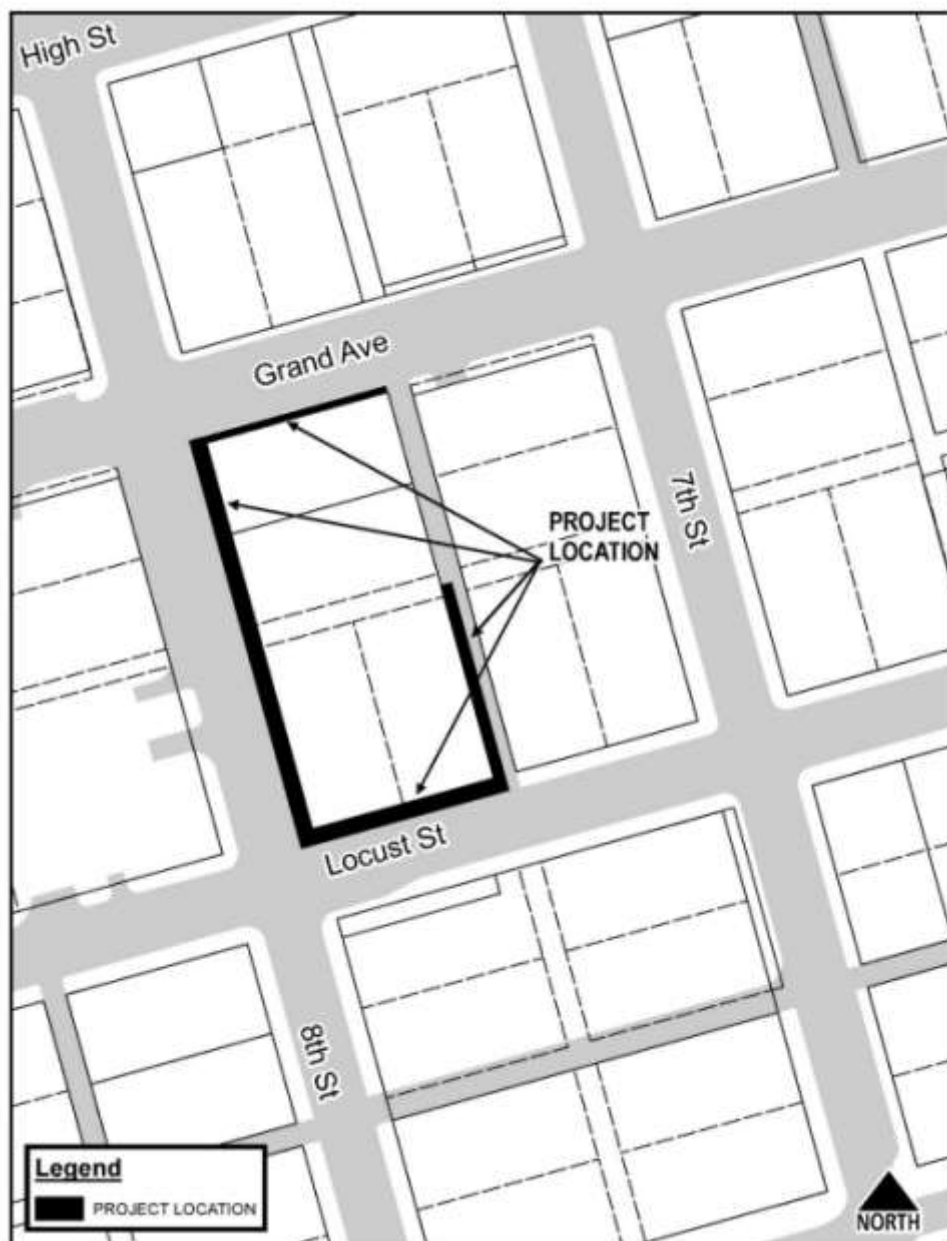
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

ADDITIONAL INFORMATION:

- On December 4, 2014, R & T Lofts, L.P. acquired the former Register and Tribune Building at 717 Grand Avenue with plans to redevelop the building into residential and commercial spaces. During the permit application process the owners learned that an existing awning and building footings were encroaching into the City right-of-way within 8th Street, Locust Street, Grand Avenue and adjoining alley right-of-way.
- R & T Lofts, L.P., has offered the City of Des Moines the purchase price of \$124,000 for conveyance of a permanent easement for air space within 8th Street and Locust Street right-of-way, and conveyance of a permanent subsurface easement within 8th Street, Locust Street,

Grand Avenue and alley right-of-way adjoining 717 Locust Street in order to mitigate the existing encroachments.

- The City Engineer and City Traffic Engineer have determined that the easements in the City right-of-way proposed to be vacated and conveyed have no significant impact on public access, and the City will not be inconvenienced by the vacation of the right-of-way and the conveyance of the easements.
- The air space easement areas to be conveyed consist of approximately 4,937 square feet. The subsurface easement areas to be conveyed consist of approximately 6,931 square feet. The purchase price of \$124,000 reflects the fair market value of the easements as currently determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: September 12, 2016

Roll Call Number: [16-1508](#)

Action: On vacation of air space and subsurface rights in portions of street and alley right-of-way adjoining 717 Grand Avenue and conveyance of a permanent easement for air space within 8th Street and Locust Street right-of-way and conveyance of a permanent subsurface easement within 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street to R & T Lofts, LP, \$124,000, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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