 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 10, 2016
	Agenda Item No.	57
	Roll Call No.	<u>16-1759</u>
	Communication No.	<u>16-581</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of Southeast 4th Street right-of-way adjoining 118 Southeast 4th Street and conveyance of a Permanent Easement for Building Encroachment to East 4th Street, LLC for \$1,156.

SYNOPSIS:

Recommend approval of the vacation of a portion of Southeast 4th Street right-of-way adjoining 118 Southeast 4th Street and conveyance of a Permanent Easement for Building Encroachment to East 4th Street, LLC, Mike Kinter, Manager, 118 SE 4th Street, Des Moines, Iowa, 50309, for \$1,156.

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 Permanent Easement for Building Encroachment will allow the buyer to mitigate an existing egress stairway encroachment, and accommodate a new emergency egress landing and stairway encroachment into the street right-of-way. There is no current or anticipated public need or benefit for the easement area to be vacated and conveyed.

FISCAL IMPACT:

Amount: \$1,156 (Revenue)

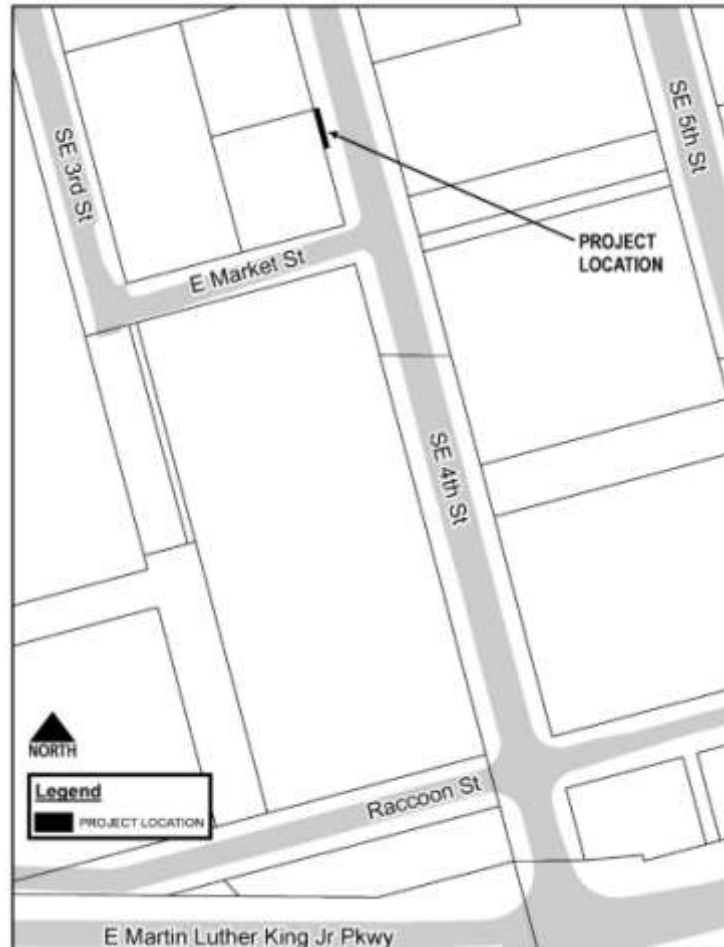
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

ADDITIONAL INFORMATION:

- On September 12, 2016, by Roll Call No. 16-1506, 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 East 4th Street, LLC for the vacation of a six (6) foot by 50 foot segment of the west side of Southeast 4th Street adjoining 118 Southeast 4th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated.
- East 4th Street, LLC, the owner of 118 Southeast 4th Street, has offered to the City of Des Moines, Iowa the purchase price of \$1,156 for the purchase of a Permanent Easement for Building Encroachment within a portion of Southeast 4th Street right-of-way located east of and adjoining 118 Southeast 4th Street in order to mitigate an existing egress stairway encroachment, and

accommodate a new emergency egress landing and stairway encroachment into the street right-of-way.

- The property to be conveyed consists of approximately 300 square feet, and the purchase price of \$1,156 is equal to the 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 easement area to be vacated and conveyed.



PREVIOUS COUNCIL ACTION(S):

Date: September 26, 2016

Roll Call Number: [16-1608](#)

Action: [On](#) vacation of a portion of SE 4th Street right-of-way adjoining 118 SE 4th Street and conveyance of a permanent easement for building encroachment to East 4th Street, LLC, \$1,156, (10-10-16). Moved by Gray to adopt. Motion Carried 6-1. Absent: Hensley

Date: September 12, 2016

Roll Call Number: [15-1506](#)

Action: [Regarding](#) request from East 4th Street, LLC for vacation of a segment of SE 4th Street adjoining 118 SE 4th Street to allow for accommodation of a new emergency egress landing and stairway as well as existing utilities. 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: August 18, 2016

Resolution Number: 11-2016-1.17

Action: [Recommend](#) for approval of the request from East 4th Street, LLC, Mike Kinter, Manager, for vacation of a six (6) foot by 50 foot segment of the west side of Southeast 4th Street adjoining 118 Southeast 4th Street subject to reservation of easements for all existing utilities.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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