 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 24, 2016
	Agenda Item No.	53
	Roll Call No.	<u>16-1854</u>
	Communication No.	<u>16-607</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of segments of Ingersoll Avenue and East University Avenue right-of-way and conveyance of bus shelter encroachment easements in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART) for \$1,200.

SYNOPSIS:

Recommend approval of the vacation of segments of Ingersoll Avenue and East University Avenue right-of-way and conveyance of bus shelter encroachment easements in the vacated right-of-way to Des Moines Area Regional Transit Authority for \$1,200. This amounts to \$200 for each shelter encroachment easement to pay for costs incurred by the City in preparing necessary documentation for each bus shelter location including but not limited to preparation of an exhibit and corresponding legal description, and no additional consideration is required in accordance with Iowa Code §364.7.

FISCAL IMPACT:

Amount: \$1,200 (Revenue)

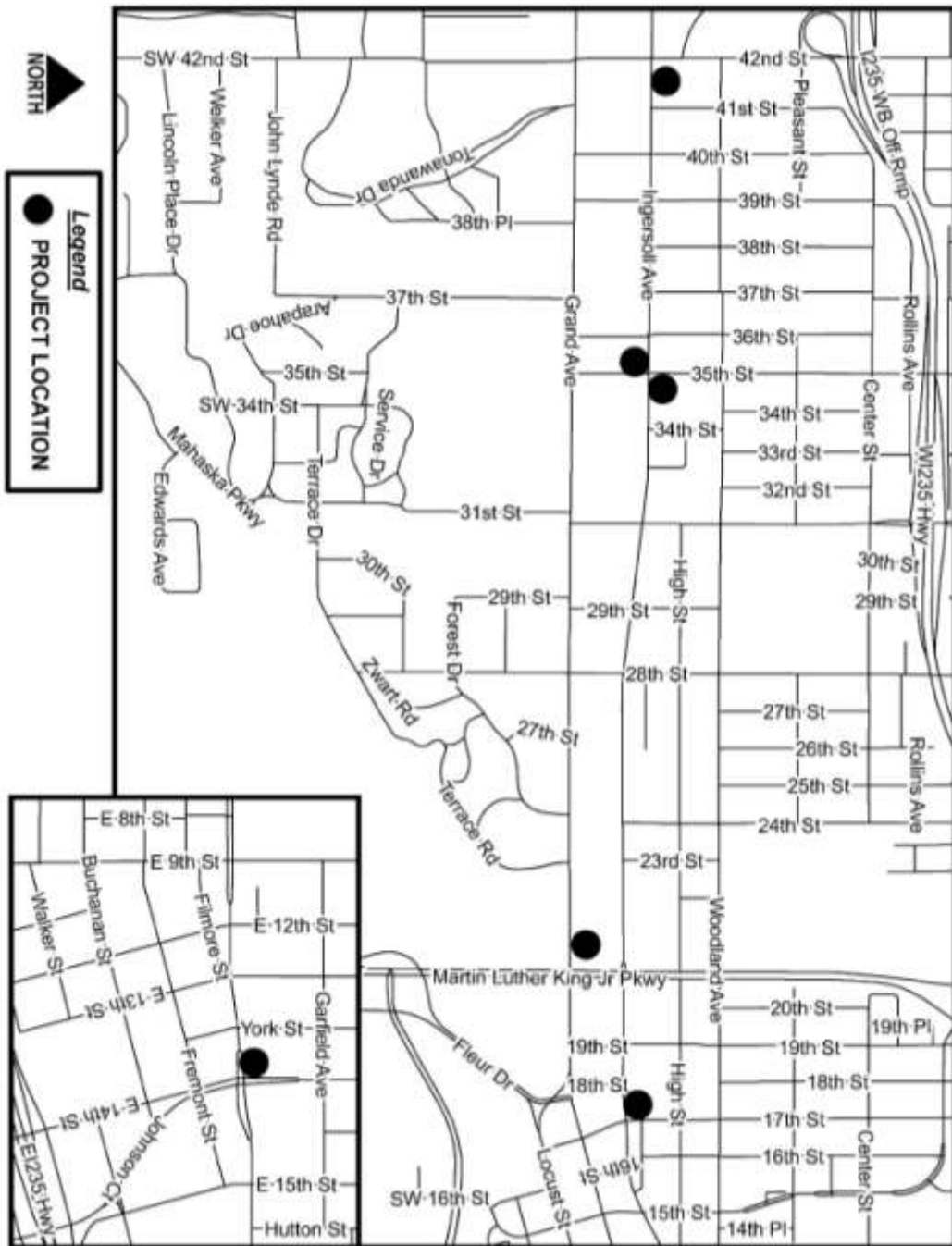
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

- DART and the City Real Estate Division have negotiated the terms of the permanent easement which include:
 1. DART’s installation and use of the bus shelter shall comply with all city, state and federal ordinances and regulations.
 2. DART, or its contractors, shall obtain, comply with, and pay all related fees for all necessary permits, and provide required insurance and bond, related to excavation and obstruction of City right-of-way upon and above the easement area prior to accessing the easement area, and, except in the case of emergency, access to the easement area shall be limited to the times set forth in such permits.
 3. The bus shelter shall be constructed and installed in accordance with plans and specifications approved by the City Engineer or designee, and DART shall certify to the City that the bus shelter has been constructed and located within the easement area as shown on the approved plans and specifications.

- 4. DART shall be solely responsible for all activities related to and costs of maintenance of the easement area and installation, operation, maintenance and repair of the bus shelter, in accordance with City ordinances, policies and regulations, and state law.

- The bus shelter easement encroachment areas will be located in the following general areas:
 - The north side of East University Avenue, east of East 14th Street;
 - The northeast corner of Ingersoll Avenue and 18th Street;
 - The northeast corner of Ingersoll Avenue and 35th Street;
 - The southwest corner of Ingersoll Avenue and 35th Street;
 - The northeast corner of Ingersoll Avenue and 42nd Street; and
 - The northwest corner of Ingersoll Avenue and MLK Jr. Parkway.



PREVIOUS COUNCIL ACTION(S):

Date: October 10, 2016

Roll Call Number: [16-1715](#)

Action: [On](#) vacation of segments of Ingersoll Avenue and E. University Avenue right-of-way and conveyance of bus shelter encroachment easements in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART), \$1,200, (10-24-16). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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