 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: November 7, 2016
	Agenda Item No. 47 Roll Call No. <u>16-1935</u> Communication No. <u>16-625</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 right-of-way adjoining 220 SE 6th Street and conveyance of a permanent easement for air space within East Elm Street and Southeast 6th Street right-of-way, and conveyance of a permanent subsurface easement within Elm Street and Southeast 5th Street right-of-way, all adjoining 220 SE 6th Street, to 220 SE 6th Street Properties, LLC for \$732.

SYNOPSIS:

Recommend approval for vacation of air space and subsurface rights in portions of street right-of-way adjoining 220 SE 6th Street and conveyance of a permanent easement for air space within East Elm Street and Southeast 6th Street right-of-way, and conveyance of a permanent subsurface easement within Elm Street and Southeast 5th Street right-of-way adjoining 220 SE 6th Street, to 220 SE 6th Street Properties, LLC, Adam Petersen, Manager, 601 SW 9th Street, Suite A, Des Moines, IA 50309, for \$732, in order to allow for entrance canopy and building parapet encroachments and building footing and foundation encroachments into East Elm Street, Southeast 5th Street and Southeast 6th Street right-of-way. There is no current or anticipated public need for the easement areas to be conveyed. This action is required by Iowa law prior to making a final determination on the proposed easements by resolution.

FISCAL IMPACT:

Amount: \$732 (Revenue)

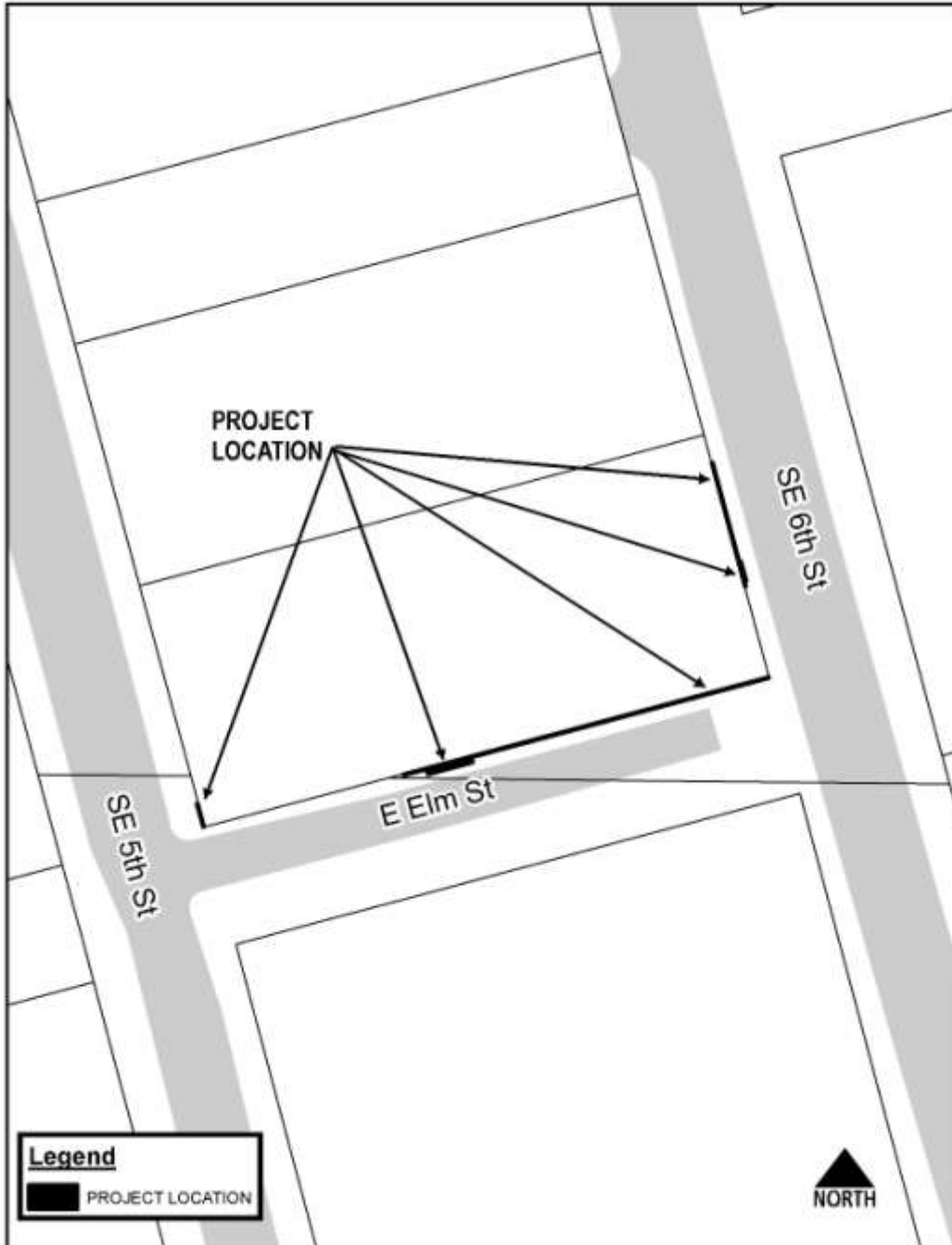
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

- On October 24, 2016, by Roll Call No. 16-1818, 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 220 SE 6th Street Properties, LLC for vacation of air space and subsurface rights in portions of street right-of-way adjoining 220 SE 6th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated.
- 220 SE 6th Street Properties, LLC, has offered the City of Des Moines the purchase price of \$732 for conveyance of a permanent easement for air space within East Elm Street and

Southeast 6th Street right-of-way, and conveyance of a permanent subsurface easement within Elm Street and Southeast 5th Street right-of-way adjoining 220 SE 6th Street in order to allow for entrance canopy and building parapet encroachments and building footing and foundation encroachments into East Elm Street, SE 5th Street and SE 6th Street right-of-ways.

- The air space easement areas to be conveyed consist of approximately 196 square feet. The subsurface easement areas to be conveyed consist of approximately 220 square feet. The purchase price of \$732 reflects the fair market value of the easements as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: October 24, 2016

Roll Call Number: [16-1817](#) and [16-1818](#)

Action: [On](#) vacation of air space and subsurface rights in portions of street right-of-way adjoining 220 SE 6th Street and conveyance of a permanent easement for air space within E. Elm Street and SE 6th Street right-of-way, and conveyance of a permanent subsurface easement within E. Elm Street and SE 5th Street right-of-way all adjoining 220 SE 6th Street to 220 SE 6th Street Properties, LLC, \$732, (11-7-16). Moved by Coleman to adopt. Motion Carried 7-0.

(A) [Communication](#) from Plan and Zoning Commission Moved by Coleman 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: October 6, 2016

Resolution Number: 11-2016-1.19

Action: Approval of the requested vacation of subsurface rights and air space in portions of street right-of-way adjoining 220 SE 6th Street subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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