

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: November 7, 2016
	Agenda Item No. 49 Roll Call No. <u>16-1940</u> Communication No. <u>16-639</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of City-Owned property adjoining 3317 SE 23rd Street to Glenn T. Norton and MaryAnn M. Norton for \$7,500.

SYNOPSIS:

Recommend approval of the vacation and conveyance of City-Owned property adjoining 3317 SE 23rd Street to Glenn T. Norton and MaryAnn M. Norton, 3317 SE 23rd Street, Des Moines, Iowa, 50320, for \$7,500. 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 buyer to incorporate it into their adjoining property for side yard uses. There is no current or anticipated public need or benefit for this property.

FISCAL IMPACT:

Amount: \$7,500 (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. 16-1522, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the Plan and Zoning Commission and set the date of hearing to amend the Woods Edge “R-6” Final Development Plan located in the 3500 Block of Southeast 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions.
- On September 26, 2016, by Roll Call No. 16-1675, the City Council of the City of Des Moines, Iowa, continued the public hearing on the above referenced amendment to the Woods Edge “R-6” Final Development Plan to October 24, 2016.
- On October 24, 2016, by Roll Call No. 16-1862, the City Council of the City of Des Moines, Iowa, held the hearing and approved the above referenced amendment to the Woods Edge “R-6” Final Development Plan; and by Roll Call No. 16-1863, the City Council set the date of hearing for the sale of City-owned property adjoining 3317 SE 23rd Street to Glenn T. Norton and Maryann M. Norton for \$7,500, subject to conditions.

- Glenn T. Norton and MaryAnn M. Norton, owners of 3317 SE 23rd Street, have offered to the City of Des Moines, Iowa the purchase price of \$7,500 for the purchase of the property, subject to the following restrictions:
 - (1) The conveyance of this Property is subject to any and all easements, restrictions, and covenants of record on the Property.
 - (2) A No-Build restriction, which restriction will be included in the Quit Claim Deed from City to Buyer. This restriction shall be lifted at any time after all of the following occur:
 - (a) City Council approval of a development plan, including a Tree Protection Plan for any trees located on the Property and all adjoining lots.
 - (b) Payment by the Buyer to the City of \$7,500.00, said amount being the difference between the full Fair Market Value of the Property and the restricted Fair Market Value paid by Buyer through this Offer to Purchase.
 - (c) City Council approval and recorded written release of said no-build restriction.
 - (3) Buyer must combine the Property with their adjoining property at 3317 SE 23rd Street to create a single parcel for tax purposes.
 - (4) The conveyance of this Property is subject to a Permanent Easement for Sanitary Sewer across the portion of the Property currently encumbered by a sanitary sewer.
- The property to be conveyed consists of approximately 6,960 square feet and the purchase price of \$7,500 is equal to the restricted-use fair market value of the property as determined by the City's Real Estate Division and an independent appraisal. There is no current or anticipated public need for this property and the conveyance will return the property to the tax rolls.



PREVIOUS COUNCIL ACTION(S):

Date: October 24, 2016

Roll Call Number: [16-1862](#) and [16-1863](#)

Action: [On](#) City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 Block of SE 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions. (Continued from September 26, 2016) Moved by Gatto to adopt. Motion Carried 7-0.

(A) [Setting](#) date of hearing on vacation and conveyance of property adjoining 3317 SE 23rd Street to Glenn T. Norton and Maryann M. Norton, \$7,500, (11-7-16). Moved by Gatto to adopt. Motion Carried 7-0.

Date: September 26, 2016

Roll Call Number: [16-1675](#)

Action: [On](#) City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 Block of Southeast 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions. Moved by Moore to continue to October 24, 2016 at 5:00 PM. Motion Carried 6-1. Absent: Hensley.

Date: September 12, 2016

Roll Call Number: [16-1522](#)

Action: [On](#) City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 block of Southeast 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: September 1, 2016

Resolution Number: 01000-78-1.05-5

Action: Recommend approval of a request from the City of Des Moines (owner), represented by Pam Cooksey (City Engineer), to amend the Woods Edge “R-6” Final Development Plan to reclassify a parcel with the Plan area from public common land to private development in accordance with “R1-80” regulations, to allow for the sale and private redevelopment of said parcel, subject to the conditions set forth in the Plan and Zoning Commission recommendation. Motion carried 8-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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