 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 5, 2016
	Agenda Item No.	50
	Roll Call No.	<u>16-2108</u>
	Communication No.	<u>16-690</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of Southwest 5th Street right-of-way adjoining 300 Southwest 5th Street and conveyance of a permanent easement for building encroachment to Harbach Lofts, LLC for \$265.

SYNOPSIS:

Recommend approval for vacation of said right-of-way and conveyance of a permanent easement for building encroachment to Harbach Lofts, LLC, Kent Mauck, Member, 3822 Greenwood Drive, Des Moines, Iowa, 50312, to allow for encroachment into the right-of-way adjoining 300 Southwest 5th Street for a permanent building entrance door swing, subject to the recommendations of the City Plan and Zoning Commission, and further subject to planters being placed on each side of the door entrance for the protection of pedestrian traffic when the door is opened. 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:

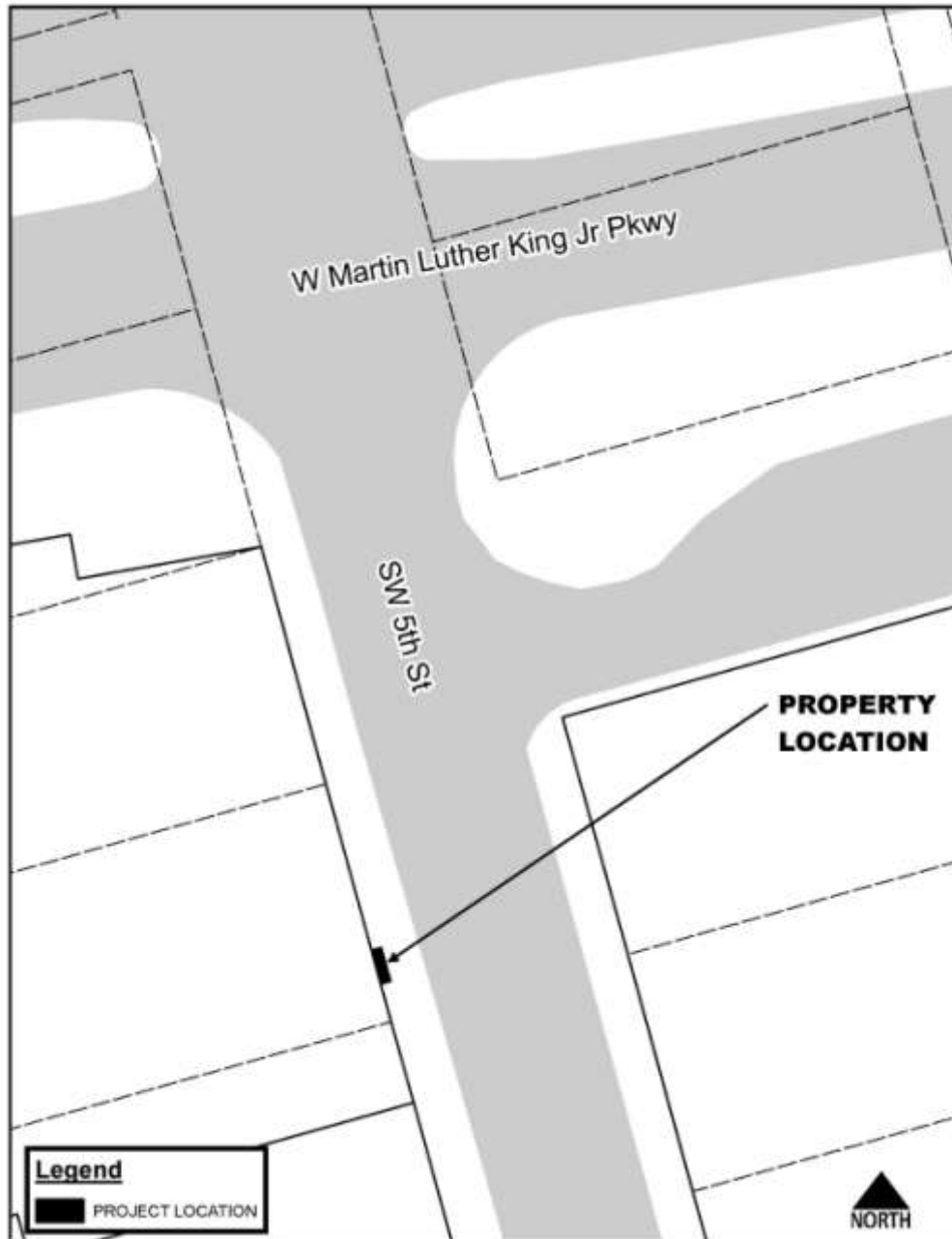
Amount: \$265 (Revenue)

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

ADDITIONAL INFORMATION:

- On November 7, 2016, by Roll Call No. 16-1897, the City Council of the City of Des Moines, Iowa, received and filed a communication from the City Plan and Zoning Commission recommending approval of a request from Harbach Lofts, LLC for the vacation of a 3-foot by 10-foot segment of Southwest 5th Street right-of-way adjoining 300 Southwest 5th Street (hereinafter “City Right-of-Way) to allow for encroachment of a permanent building entrance door swing into the right-of-way, subject to the following conditions:
 1. Review and approval of an amended Site Plan by the City's Permit and Development Center to ensure that the proposed vacation does not negatively impact the street trees or planter beds within Southwest 5th Street right-of-way.
 2. Reservation by City of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

- Harbach Lofts, LLC, owner of the adjoining property at 300 Southwest 5th Street, has offered to the City the purchase price of \$265 for the purchase of a Permanent Easement for Building Encroachment in the Southwest 5th Street right-of-way adjoining 300 Southwest 5th Street. The building encroachment easement area to be conveyed consists of approximately 30 square feet, and the purchase price of \$265 reflects the fair market value of the easement as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: November 21, 2016

Roll Call Number: [16-1989](#)

Action: [On](#) vacation of a portion of SW 5th Street right-of-way adjoining 300 SW 5th Street and conveyance of a permanent easement for building encroachment to Harbach Lofts, LLC, \$265, (12-5-16).

Date: November 7, 2016

Roll Call Number: [16-1897](#)

Action: [Regarding](#) request from Harbach Lofts, LLC for vacation of right-of-way adjoining 300 SW 5th Street to allow for permanent door swing from the entrance of the building into the right-of-way. Moved by Hensley 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: 11-2016-1.22

Action: Recommend approval of a request from Harbach Lofts, LLC for vacation of a 3-foot by 10-foot segment of the west side of Southwest 5th Street right-of-way adjoining 300 Southwest 5th Street, to allow for permanent door swing from the entrance of the existing building into the right-of-way subject to review and approval of an amended Site Plan by the City's Permit and Development Center, and subject to the reservation of any necessary easements for all existing utilities in place until such time as they are abandoned or are relocated.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.