 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	February 6, 2017
	<b>Agenda Item No.</b>	<b>46</b>
	<b>Roll Call No.</b>	<b><u>17-0221</u></b>
	<b>Communication No.</b>	<b><u>17-055</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way both adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corporation, for \$99,556.

**SYNOPSIS:**

Recommend approval of vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corporation, Ron Muecke, Vice President – Facilities, 1111 6th Avenue, Des Moines, IA, 50314, for \$99,556.

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 assemble the land required to renovate existing facilities, add a new building and make site improvements to its adjoining property at 921 6th Avenue. There is no current or anticipated public need or benefit for this property, and this conveyance will eliminate future maintenance and liability costs for the City and will return the property to the tax rolls.

**FISCAL IMPACT:**

Amount: \$99,556 (Revenue)

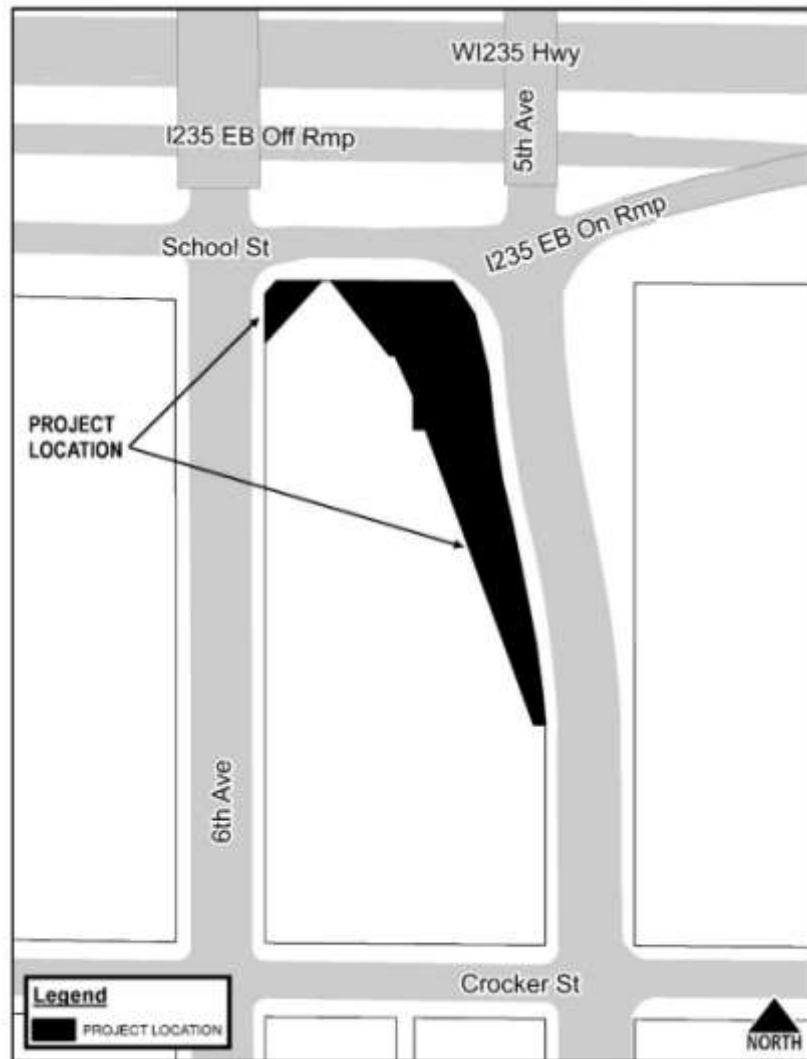
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

**ADDITIONAL INFORMATION:**

- May 9, 2016, by Roll Call Number 16-0755, the City Council of the City of Des Moines, Iowa received a recommendation from the City Plan and Zoning Commission recommending approval of a request for the vacation of an irregular portion of right-of-way from the southeast corner of School Street and 6th Avenue, and an irregular portion of right-of-way from the southwest corner of School Street and 5th Avenue, all adjoining 921 6th Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and subject to review and approval of a Site Plan by the City of Des Moines Plan and Zoning Commission for all related site and landscaping improvements, and further subject to a no-build restriction prohibiting construction of any structure, building or other improvement over or within the property, except for driveways, parking lots or sidewalks, and

associated improvements, so long as such improvements are both above ground and do not interfere in any way with the utilities on the property.

- Catholic Health Initiatives – Iowa Corporation, an affiliate of Mercy Properties, the owner of 921 6th Avenue, has offered to the City of Des Moines, Iowa the purchase price of \$99,556 for the purchase of the irregular portions of street right-of-way adjoining 921 6th Avenue for incorporation into the adjoining commercial property to allow for expansion of the existing site improvements.
- On June 13, 2016 by Roll Call Number 16-0995 the City Council of the City of Des Moines, Iowa voted to approve the vacation and conveyance of the irregular portions of street right-of-way adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corporation, however, subsequent to the vacation of said right-of-way but prior to closing on the conveyance, Catholic Health Initiatives – Iowa Corporation’s title investigation determined that the State of Iowa Department of Transportation had acquired portions of the right-of-way for construction of Interstate 235, but title to said right-of-way had never been formally transferred to the City of Des Moines upon completion of the interstate project.
- On August 22, 2016 by Roll Call Number 16-1395 the City Council of the City of Des Moines, Iowa voted to repeal Ordinance No. 15,483 vacating said irregular portions of 6th Avenue right-of-way and 5th Avenue right-of-way adjoining 921 6th Avenue, and voted to approve and accept all documents from the State of Iowa Department of Transportation transferring to the City of Des Moines, Iowa all of its fee simple property interests in the irregular portions of street right-of-way adjoining 921 6th Avenue.
- The property to be conveyed consists of approximately 23,425 square feet, and the purchase price of \$99,556 is equal to the estimated restricted-use 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 property, and the City’s conveyance of this property will eliminate future maintenance and liability costs for the City, and will return the property to the tax rolls.



**PREVIOUS COUNCIL ACTION(S):**

Date: January 23, 2017

Roll Call Number: [17-0104](#)

Action: [On](#) vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way both adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corp., \$99,556, (2-6-17). Moved by Hensley to adopt. Motion Carried 7-0.

Date: August 22, 2016

Roll Call Number: [16-1395](#)

Action: [Acceptance](#) of street right-of way transfer from the State of Iowa for right-of-way adjoining 921 6th Avenue, approval for city staff to proceed with the disposition process of such right-of-way in compliance with State requirements, and repealing Ordinance No. 15,483. Moved by Moore to adopt. Motion Carried 6-1. Absent: Hensley.

Date: June 13, 2016

Roll Call Number: [16-0995](#)

Action: [On](#) vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way, all adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corporation. ([Council Communication No. 16-307](#)) Moved by Hensley to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: April 21, 2016

Resolution Number: 11-2016-1.09

Action: [Recommend](#) approval of a request from Catholic Health Initiatives - Iowa Corporation (owner), represented by Ron Muecke (officer), for review and approval of a request for vacation of an irregular portion of Right-of-Way from the southeast corner of School Street and 6th Avenue, and an irregular portion of Right-Of-Way from the southwest corner of School Street and 5th Avenue, all adjoining the subject property at 921 6th Avenue, to allow for site expansion of the subject property subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated; and
2. Review and approval of a Site Plan by the City's Plan and Zoning Commission for all related site and landscaping improvements.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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