 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 20, 2017
	Agenda Item No.	47
	Roll Call No.	<u>17-310</u>
	Communication No.	<u>17-091</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of a portion of the east east/west alley right-of-way lying north of and adjoining 816 Shaw Street to Linda K. Casas for \$75.

SYNOPSIS:

Recommend approval of vacation and conveyance of the east east/west alley right-of-way lying north of and adjoining 816 Shaw Street to Linda K. Casas, 816 Shaw Street, Des Moines, Iowa for \$75. 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 it with their existing residential lot. The City will maintain control over any future development of the alley by reserving a no-build easement as part of the vacation and conveyance. 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:

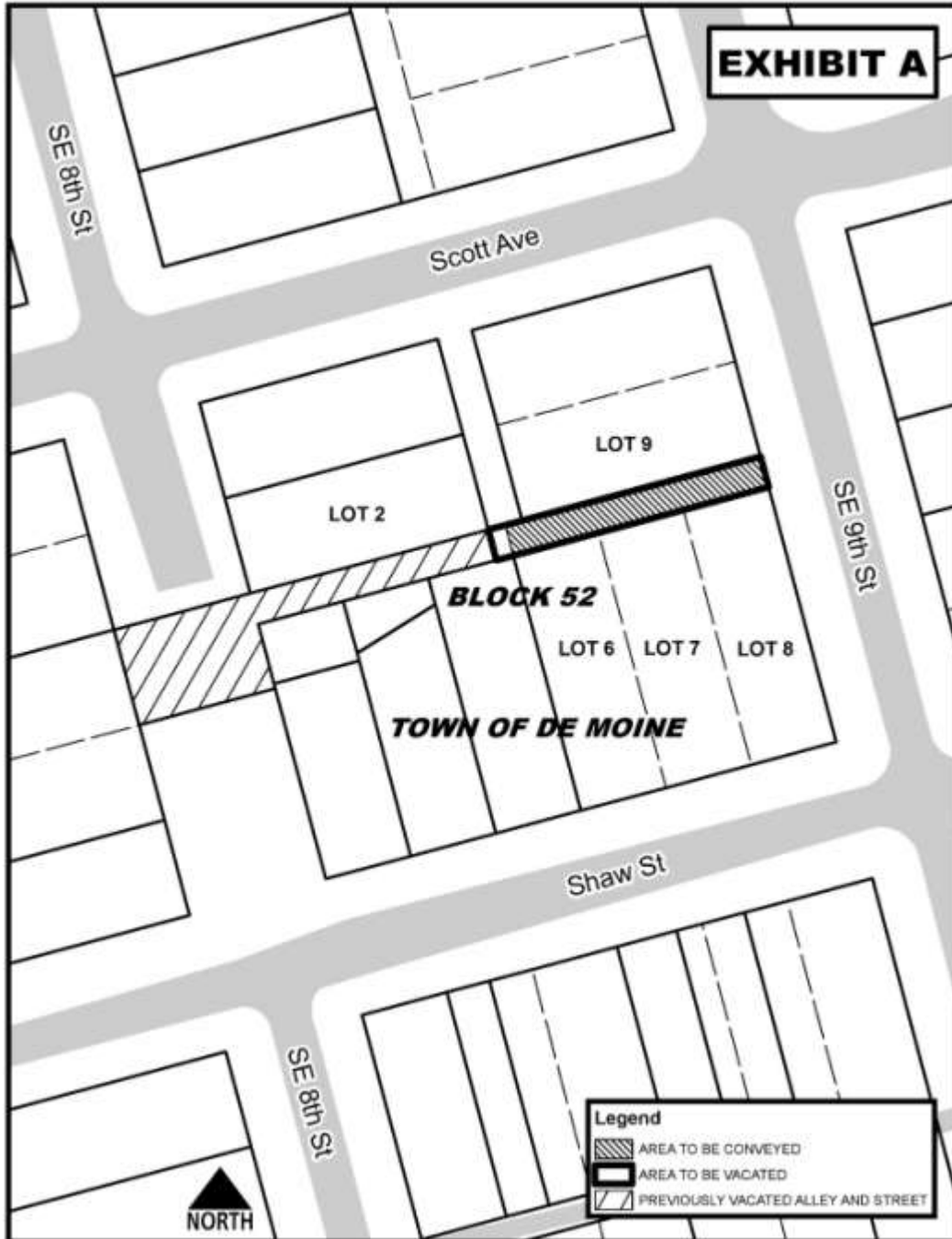
Amount: \$75 (Revenue)

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

ADDITIONAL INFORMATION:

- August 13, 2012, by Roll Call No. 12-1245, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission whose members voted 10-2 in support of a motion to recommend approval of a City Council initiated request for the vacation of the east half of east/west alley lying between Southeast 8th Street and Southeast 9th Street subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated and that any conveyance of the alley be in the form of a lease until there are more specific plans for the area.
- Linda Casas has offered to the City of Des Moines the purchase price of \$75 for the purchase of the portion of the alley right-of-way lying north of and adjoining her property at 816 Shaw Street. The purchase is subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement.

- The City will maintain its control over any future development of the alley by reserving a no-build easement as part of the vacation and conveyance in lieu of a lease. The no-build easement can be lifted only after certain requirements are met, including a development plan approved by the City and payment to the City of the fair market value of the property at the time of the release.
- The property to be conveyed consists of approximately 2,700 square feet, and the purchase price of \$75 reflects the restricted-use fair market value of the property as determined by the City's Real Estate Division. There is no known current or future need for the alley right-of-way proposed to be vacated and sold.



PREVIOUS COUNCIL ACTION(S):

Date: February 6, 2017

Roll Call Number: [17-0184](#)

Action: On vacation and conveyance of a portion of the east/west alley right-of-way lying north of and adjoining 816 Shaw Street to Linda K. Casas, \$75, (2-20-17). Moved by Hensley to adopt. Motion Carried 7-0.

Date: August 13, 2012

Roll Call Number: [12-1245](#)

Action: [Communication](#) from Plan and Zoning Commission. 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: August 2, 2012

Resolution Number: 11-2012-1.11

Action: Recommend approval for vacation of the requested alley right-of-way, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense. Staff further recommends that conveyance of the vacated right-of-way be in the form of a lease until there are more specific redevelopment plans for the area.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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