 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	March 20, 2017
	Agenda Item No.	51
	Roll Call No.	<u>17-0513</u>
	Communication No.	<u>17-305</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of Mulberry Street and 12th Street rights-of-way adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC for \$2,000.

SYNOPSIS:

Recommend approval for vacation of a portion of Mulberry Street and 12th Street rights-of-way adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC, Dan Cornelison, Member, 6900 Westown Parkway, West Des Moines, Iowa, 50266, for \$2,000. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. This easement will allow for encroachment into the right-of-way for two (2) existing building entrance door swings. There is no current or anticipated public need for the easement area to be conveyed.

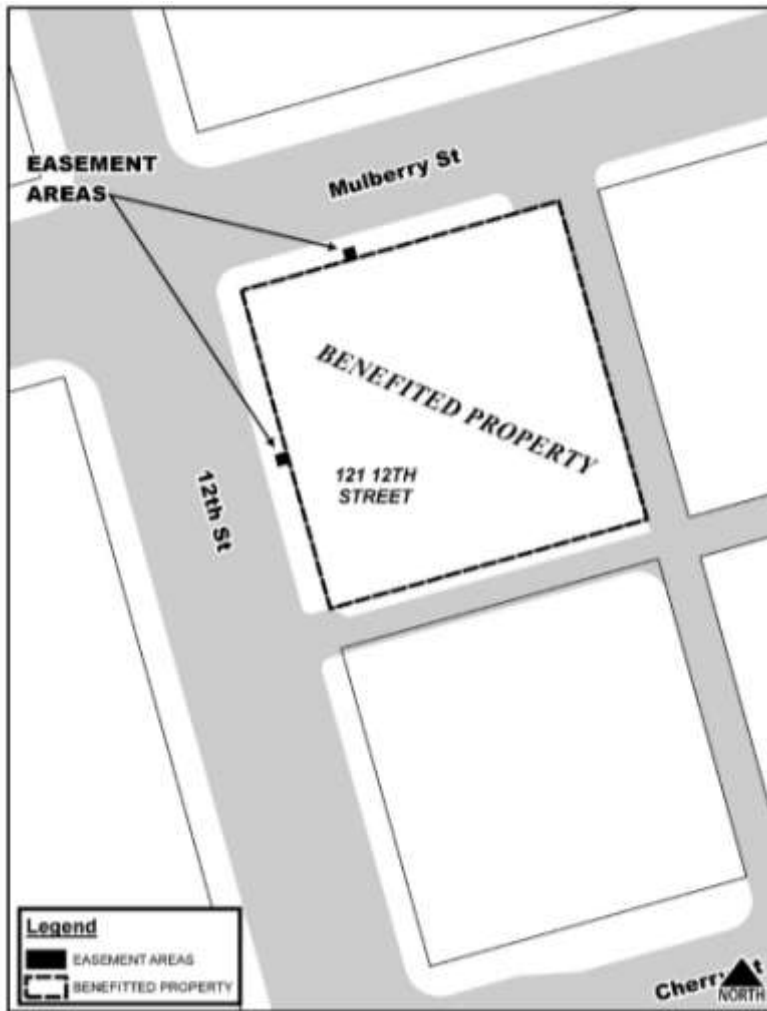
FISCAL IMPACT:

Amount: \$2,000 (Revenue)

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

ADDITIONAL INFORMATION:

- On February 20, 2017, by Roll Call No. 17-0265, 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 12th Street Lofts, LLC for the vacation of a 5-foot by 5-foot segment of Mulberry Street and a 5-foot by 5-foot segment of 12th Street rights-of-way adjoining 121 12th Street to allow for two (2) permanent building entrance door swings into the City right-of-way, subject to planters being placed on each side of the door for the protection of pedestrian traffic when the door is opened.
- 12th Street Lofts, LLC, owner of the adjoining property at 121 12th Street, has offered to the City the purchase price of \$2,000 for the purchase of a Permanent Easement for Building Encroachment in the Mulberry Street and 12th Street rights-of-way adjoining its property. The building encroachment easement area to be conveyed consists of approximately 50 square feet, and the purchase price of \$2,000 reflects the fair market value of the easement as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: March 6, 2017

Roll Call Number: [17-0366](#)

Action: [On](#) vacation of a portion of Mulberry Street and 12th Street rights-of-way adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC for \$2,000. (3-20-17).

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: February 2, 2017

Resolution Number: 11-2017-1.01

Action: Recommend approval of a request from 12th Street Lofts, LLC for vacation of a 5-foot by 5-foot segment of surface rights in 12th Street and Mulberry Street right-of-way adjoining 121 12th 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

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