

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: May 22, 2017
	Agenda Item No. 56 Roll Call No. <u>17-0902</u> Communication No. <u>17-447</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing and approval of documents for vacation of a segment of Ingersoll Avenue right-of-way located north of and adjoining 539 Polk Boulevard and conveyance to Elizabeth J. Carter and Jared M. Carter for \$150.

SYNOPSIS:

Recommend approval of the vacation and conveyance of a segment of Ingersoll Avenue right-of-way located north of and adjoining 539 Polk Boulevard to Elizabeth J. Carter and Jared M. Carter, 539 Polk Boulevard, Des Moines, Iowa, 50312, for \$150, subject to the requirement that all vegetation located within the traffic vision triangle, whether private property or City right-of-way, shall meet all requirements set forth in City code, and further subject to the reservation of an easement for the continued use and maintenance of any utilities now in place.

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 the vacated street right-of-way into their adjoining residential property. The buyers wish to install fencing and maintain existing landscaping on the property to be conveyed. There is no current or anticipated public need or benefit for this property.

FISCAL IMPACT:

Amount: \$150 (Revenue)

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

ADDITIONAL INFORMATION:

- On April 6, 2017, the City Plan and Zoning Commission voted to recommend to the City Council of the City of Des Moines, Iowa, that the south 13 feet of Ingersoll Avenue street right-of-way adjoining 539 Polk Boulevard, hereinafter more fully described, be vacated, subject to the following conditions:
 - Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
 - The requirement that all vegetation located within the traffic vision triangle, whether private property or City right-of-way, meet all requirements set forth in City code.

- Elizabeth J. and Jared M. Carter, owners of 539 Polk Boulevard, have offered to the City of Des Moines the purchase price of \$150 for the vacation and purchase of the Ingersoll Avenue street right-of-way adjoining 539 Polk Boulevard, to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk.
- The property to be conveyed consists of approximately 1,380 square feet, and the purchase price of \$150 is equal to the 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.



PREVIOUS COUNCIL ACTION(S):

Date: May 8, 2017

Roll Call Number: [17-0764](#)

Action: [On](#) vacation of a segment of Ingersoll Avenue right-of-way, north of and adjoining 539 Polk Boulevard, and conveyance to Elizabeth J. Carter and Jared M. Carter, \$150, (5-22- 17). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: April 6, 2017

Resolution Number: [11-2014-1.04](#)

Action: Recommend approval of a request from Elizabeth J. Carter for vacation of approximately the south 13 feet of Ingersoll Avenue street right-of-way adjoining 539 Polk Boulevard, to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk, subject to the reservation of any necessary easements for all existing utilities in place until such time that 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.