 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	September 25, 2017
	Agenda Item No.	52
	Roll Call No.	<u>17-1685</u>
	Communication No.	<u>17-691</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing and approval of documents for vacation of City east/west alley right-of-way adjoining 322 East Court Avenue and conveyance to 322 E. Court, LLC, for \$1,000.

SYNOPSIS:

Recommend approval of the vacation and sale of the east/west alley right-of-way located north of and adjoining 322 East Court Avenue to 322 E. Court, LLC, Jake Christensen, Member, 215 East 3rd Street, Des Moines, Iowa, 50309, for \$1,000, 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 relocated; 2) subject to a no-build easement; 3) subject to a Permanent Easement for Public Vehicular Ingress and Egress; and 4) subject to the requirement that any future use of the vacated right-of-way be in accordance with all site plan policies, such as the design guidelines applicable in the C-3B and D-O Districts or any applicable zoning that may be adopted. The City’s conveyance of this property will allow the buyer to assemble the alley with the adjoining commercial properties for redevelopment, both of which are owned by 322 E. Court, LLC.

This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. There is no current or anticipated public need or benefit for this property.

FISCAL IMPACT:

Amount: \$1,000 (Revenue)

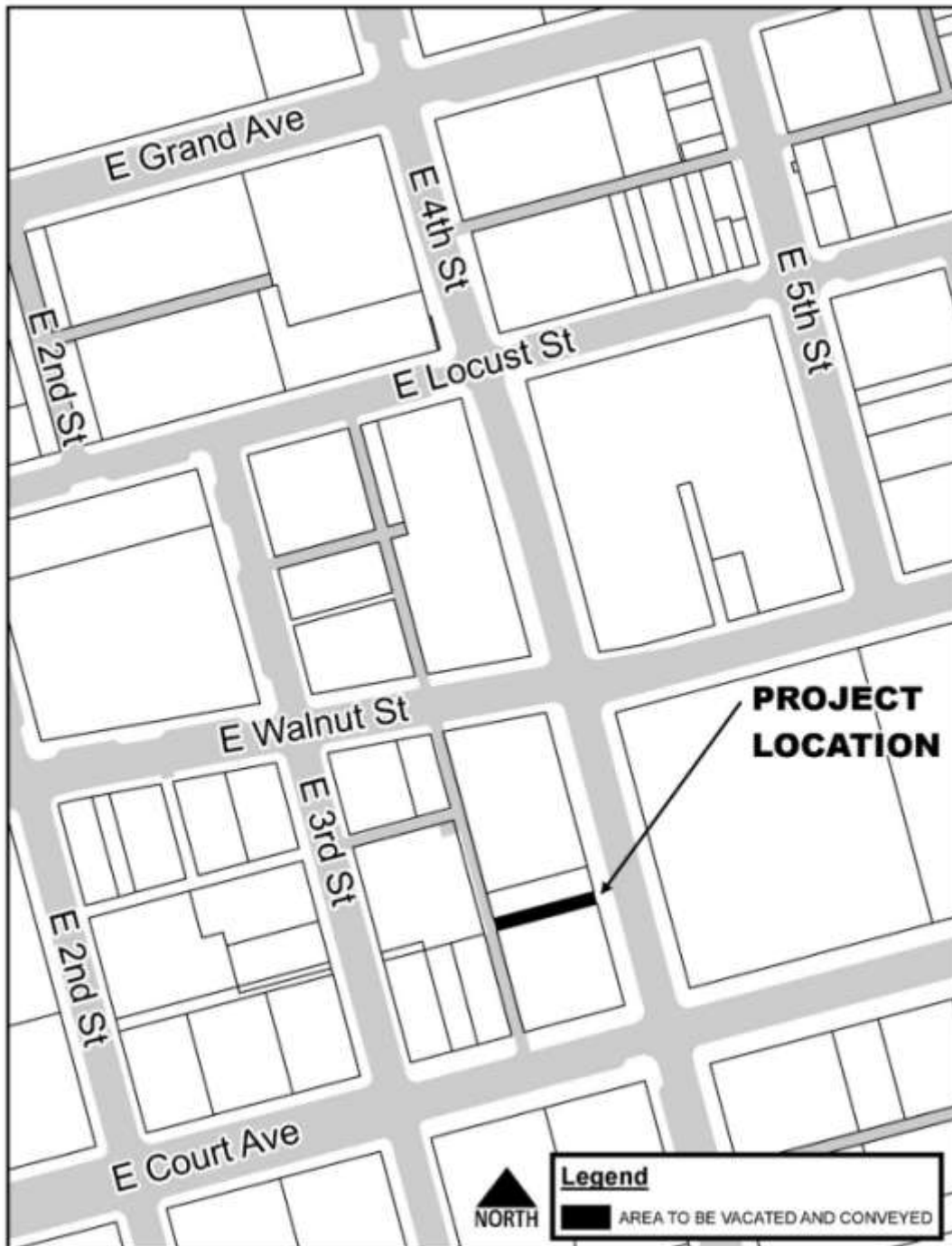
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

- On June 12, 2017, by Roll Call No. 17-0970, the City Council of the City of Des Moines, Iowa, voted to receive and file the recommendation from the City Plan and Zoning Commission to vacate the east/west alley adjoining 322 East Court Avenue.
- 322 E. Court, LLC, the owner of 322 East Court Avenue, has offered to the City of Des Moines, Iowa the purchase price of \$1,000 for the purchase of the east/west alley right-of-way adjoining 322 East Court Avenue, 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 relocated; 2) subject to a no-build easement; 3) subject to a Permanent Easement for Public

Vehicular Ingress and Egress; and 4) subject to the requirement that any future use of the vacated right-of-way be in accordance with all Site Plan policies, such as the design guidelines applicable in the C-3B and D-O Districts or any applicable zoning that may be adopted. All of which conditions will be included in the Quit Claim Deed from City.

- The property to be conveyed consists of approximately 2,112 square feet, and the purchase price of \$1,000 is equal to the restricted-use fair market value of the property, with the restrictions in place, as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: September 11, 2017

Roll Call Number: [17-1557](#)

Action: [On](#) vacation of east-west alley right-of-way, lying north of and adjoining 322 E. Court Avenue, and conveyance to 322 E. Court, LLC for \$1,000, (9-25-17). Moved by Coleman to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: June 1, 2017

Resolution Number: [11-2017-1.05](#)

Action: Recommend approval of a request from 322 E. Court, LLC for vacation of the east-west alley adjoining 322 East Court Avenue to E. 4th Street, subject to conditions.

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.