

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 23, 2017
	Agenda Item No.	51
	Roll Call No.	<u>17-1854</u>
	Communication No.	<u>17-758</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing and approval of documents for vacation of a portion of City-owned street right-of-way located north of Franklin Avenue between 23rd Street and 24th Street and conveyance to adjoining property owners for \$450.

SYNOPSIS:

Recommend approval of the vacation and conveyance of City-owned street right-of-way located north of Franklin Avenue between 23rd Street and 24th Street and conveyance to the following adjoining property owners: 1) David Dale Lohner, 2327 Franklin Avenue, Des Moines, Iowa, 50310, for \$200; 2) Martin Stoner, 1915 24th Street Des Moines, Iowa, 50310 for \$100; 3) Ronald M. Delaney IRA Guaranty Bank and Trust Company as Trustee/ c/o Contract Exchange Corporation, 222 3rd Street SE, Suite 302, Cedar Rapids, IA 52401 for \$100; and 4) Preferred Property Enterprises, LLC, 5601 Fleur Drive, Des Moines, Iowa 50321 for \$50; all 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 buyers to incorporate the vacated street right-of-way into their adjoining residential properties for expansion of their residential lots and will eliminate any existing building encroachments. 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 return the property to the tax rolls.

FISCAL IMPACT:

Amount: \$450 (Revenue)

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

ADDITIONAL INFORMATION:

- On August 14, 2017, by Roll Call No. 17-1360, City Council of the City of Des Moines, Iowa voted to receive and file the recommendation from the City Plan and Zoning Commission that the west 16.5-feet of the 33-foot wide half-street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street be vacated, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and subject to the reservation of a shared vehicular access easement for the benefit of the adjoining properties.
- David Dale Lohner, owner of 2327 Franklin Avenue, has offered to the City the purchase price of \$200 for the vacation and purchase of the portion of street right-of-way adjoining his property; Martin Stoner, owner of 1915 24th Street, has offered to the City the purchase price of \$100 for the vacation and purchase of the portion of street right-of-way adjoining his property; Ronald M. Delaney IRA Guaranty Bank and Trust Company as Trustee, owner of 1921 24th Street, has offered to the City the purchase price of \$100 for the vacation and purchase of the portion of street right-of-way adjoining its property; and Preferred Property Enterprises, LLC, owner of 1925 24th Street, has offered to the City the purchase price of \$50 for the vacation and purchase of the portion of street right-of-way adjoining its property.
- The property to be conveyed consists of approximately 5,110 square feet, and the total purchase price of \$450 from the above adjoining owners is equal to the fair market value of the property as determined by the City's Real Estate Division.
- The east 16.5-feet of the 33-foot wide half street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street will remain dedicated street right-of-way and will satisfy the City Plan and Zoning Commission's requirement for a shared vehicular access for the benefit of all adjoining properties.



PREVIOUS COUNCIL ACTION(S):

Date: October 9, 2017

Roll Call Number: [17-1738](#)

Action: [On](#) vacation of a portion of City-owned street right-of-way located north of Franklin Avenue between 23rd Street and 24th Street and conveyance to adjoining property owners, \$450, (10-23-17). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: August 3, 2017

Resolution Number: [11-2017-1.10](#)

Action: Recommend approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, and reservation of shared vehicular access easement for adjoining properties.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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