 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 18, 2017
	Agenda Item No.	58
	Roll Call No.	<u>17-2187</u>
	Communication No.	<u>17-859</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of north-south and east-west alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street and conveyance of portions of the vacated alleys to Galway Homes, Inc. for \$275; to Zachary A. Powell for \$25; and to Layla Kimmel for \$25.

SYNOPSIS:

Recommend approval of the vacation of north-south and east-west alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, and conveyance of portions of the vacated alley right-of-way to the following adjoining property owners: 1) Galway Homes, Inc., James Postma, 1247 41st Street, Des Moines, IA 50311, for \$275; 2) Zachary A. Powell, 1444 2nd Place, Des Moines, Iowa, 50314 for \$25; 3) Layla Kimmel, 1450 2nd Place, Des Moines, Iowa 50314 for \$25; 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 Galway Homes, Inc. to incorporate its portion of the vacated alley right-of-way into its adjoining property for residential development. The City’s conveyance of this property will allow Zachary A. Powell and Layla Kimmel to incorporate their respective portions of the vacated alley right-of-way into their adjoining properties for expansion of their residential lots. 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: \$325 (Revenue)

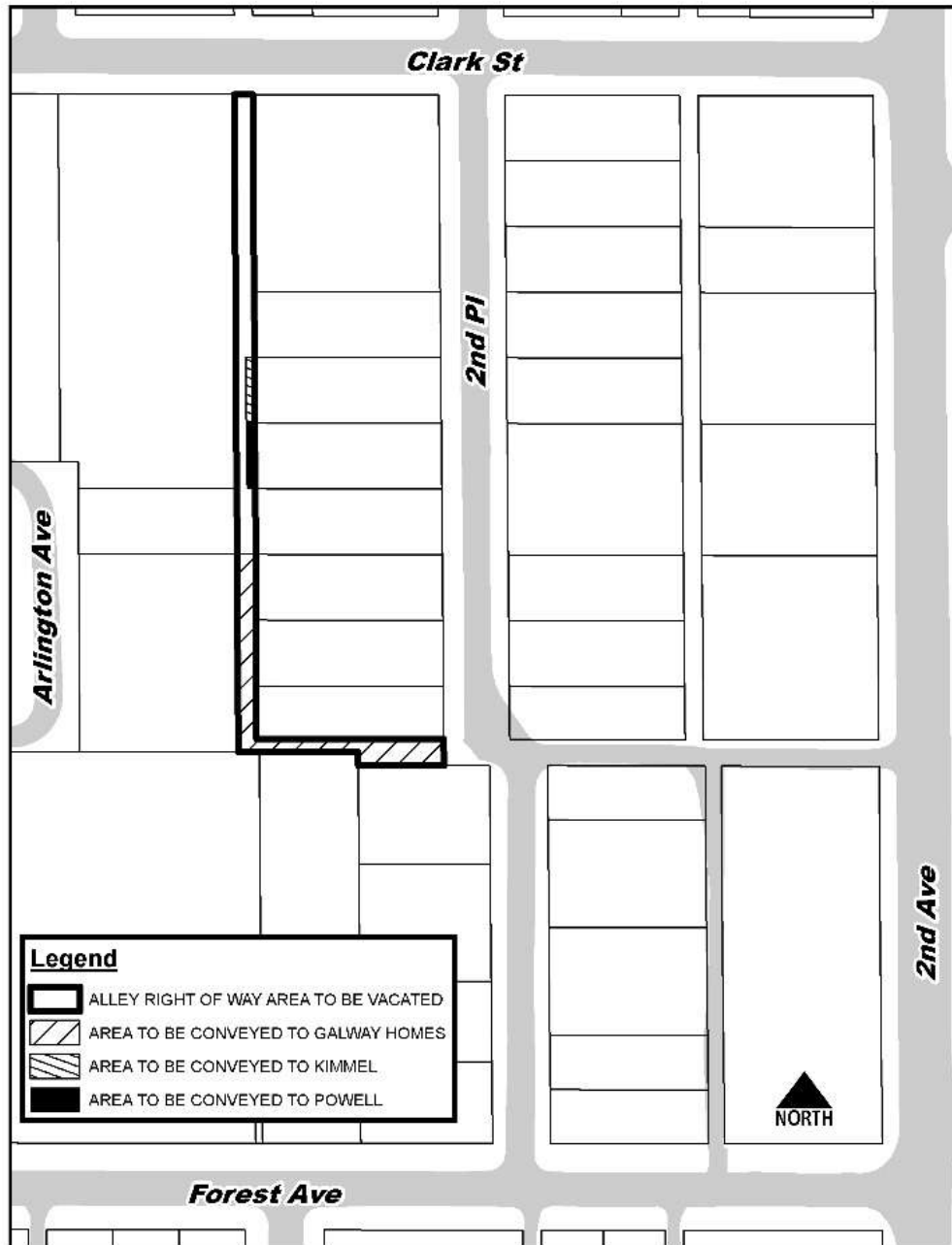
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

- On October 23, 2017, by Roll Call No. 17-1821, the City Council voted to receive and file a recommendation from the City Plan and Zoning Commission that the north/south and east/west portions of undeveloped alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, in the vicinity of 335 Forest Avenue, 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 vehicular access easement for the east/west portion of the right-of-way adjoining properties owned by Yuridia Carrasco-Lechuga (1412 2nd Place) and the River Bend Association.

- On September 27, 2017, Galway Homes, Inc. acquired the parcel owned by River Bend Association, thereby eliminating the need for an ingress-egress easement to that property.
- Galway Homes, Inc. has executed a Permanent Easement for Vehicular Ingress and Egress over the portion of alley adjoining 1412 2nd Place, thereby satisfying the vehicular access easement requirement of the City Plan and Zoning Commission for 1412 2nd Place. Said easement will be recorded immediately after the City's conveyance of the vacated alley right-of-way to Galway Homes, Inc.
- Galway Homes, Inc., owner of 335 Forest Avenue, has offered to the City of Des Moines the purchase price of \$275 for the vacation and purchase of the portion of alley right-of-way adjoining his property; Layla Kimmel, owner of 1450 2nd Place, has offered to the City the purchase price of \$25 for the vacation and purchase of the east half of the alley right-of-way adjoining her property; and Zachary A. Powell, owner of 1444 2nd Place, has offered to the City the purchase price of \$25 for the vacation and purchase of the east half of the alley right-of-way adjoining his property.
- The property to be conveyed consists of approximately 4,890 square feet, and the total purchase price of \$325 from the above adjoining owners is equal to the fair market value of the property as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: December 4, 2017

Roll Call Number: [17-2061](#)

Action: On vacation of north-south and east-west alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, and conveyance of portions of the vacated alleys to Galway Homes, Inc., \$275, Zachary A. Powell, \$25, Layla Kimmel, \$25, (12-18- 17). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: October 5, 2017

Resolution Number: 11-2017-1.12

Action: Recommend approval of a City-initiated request for vacation of the north/south and east/west portions of undeveloped alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, in the vicinity of 335 Forest Avenue, 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 vehicular access easement for the east/west portion of the right-of-way adjoining properties owned by Yuridia Carrasco-Lechuga (1412 2nd Place) and the River Bend Association.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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