 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 19, 2018
	Agenda Item No.	50
	Roll Call No.	<u>18-311</u>
	Communication No.	<u>18-088</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for approval of documents for vacation of a portion of East 12th Street right-of-way adjoining 623 East 12th Street and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space Above City-Owned Property to Capitol View Credit Union, for \$514.

SYNOPSIS:

Recommend approval for vacation of a portion of East 12th Street right-of-way adjoining 623 East 12th Street and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space Above City-Owned Property to Capitol View Credit Union, Brent Kowalsky, Chief Executive Officer, 1000 East Grand Avenue, Des Moines, Iowa 50319, for \$514. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

This easement will allow for the permanent encroachment of a concrete stoop, protective bollards and an entrance canopy into the vacated right-of-way adjoining 623 East 12th Street. The conveyance of these easements will not have any impact on the continued uses of the street right-of-way for vehicular and pedestrian travel.

FISCAL IMPACT:

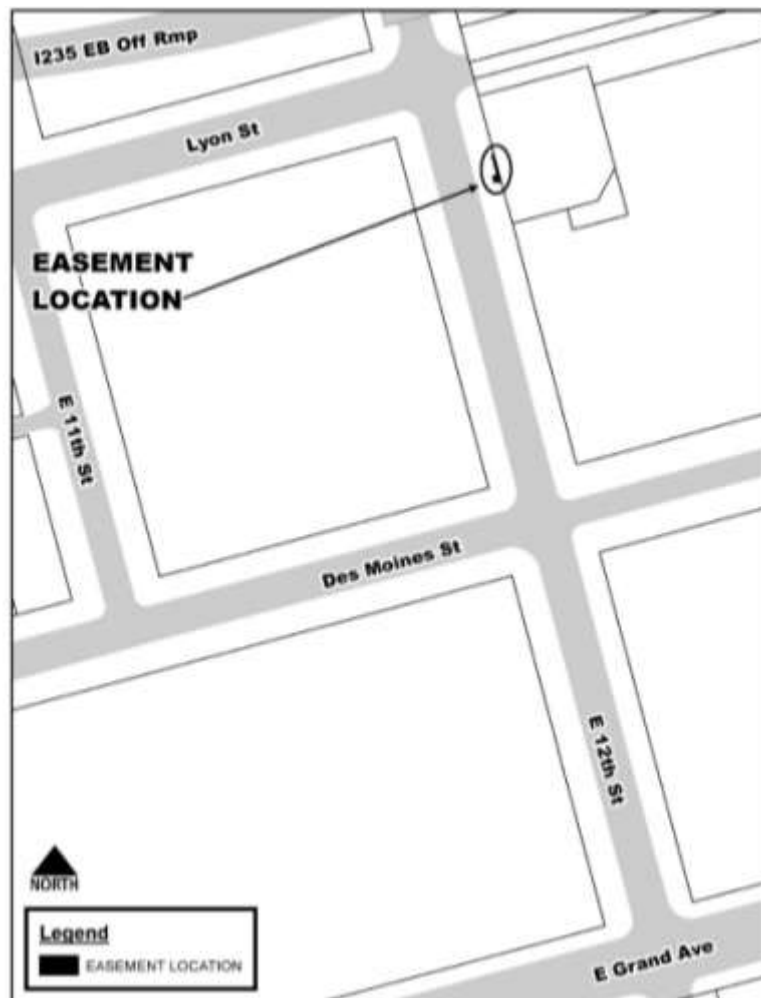
Amount: \$514 (Revenue)

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

ADDITIONAL INFORMATION:

- On November 6, 2017, by Roll Call No. 17-1885, 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 Capitol View Credit Union for the vacation of a 6.5-foot by 6.25-foot segment of East 12th Street subsurface right-of-way adjoining 623 East 12th Street to allow for a concrete stoop with frost depth footings, and for vacation of a 1-foot by 26-foot segment of East 12th Street surface right-of-way adjoining 623 East 12th Street to allow for placement of bollards to protect the storefront of the building on said property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, and further subject to a City-approved site plan for the bollards.

- Subsequent to the November 6, 2017 Council action, it was determined that a 2.33-foot by 26-foot segment of East 12th Street air space right-of-way would also need to be vacated to allow for installation of an entrance canopy, which request has been reviewed and approved by the City's Engineering Department.
- Capitol View Credit Union, owner of the adjoining property at 623 East 12th Street, has offered to the City the purchase price of \$514 for the purchase of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space Above City-Owned Property in the Des Moines Street right-of-way adjoining its property. The building encroachment easement area to be conveyed consists of approximately 60.38 square feet, and the air space easement area to be conveyed consists of approximately 60.58 square feet, and the purchase price of \$514 reflects the fair market value of the easements as determined by the City's Real Estate Division.

**PREVIOUS COUNCIL ACTION(S):**

Date: February 5, 2018

Roll Call Number: [18-0194](#)

Action: On vacation of portions of E. 12th Street right-of-way adjoining 623 E. 12th Street and conveyance of a permanent easement for building encroachment and a permanent easement for air space above City-owned property to Capital View Credit Union, \$514, (2-19-18). Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: October 19, 2017

Resolution Number: 11-2017-1.13

Action: Approving a request from Capitol View Credit Union for the vacation of subsurface right-of-way adjoining 623 East 12th Street to allow for a concrete stoop with frost depth footings, and for vacation of surface right-of-way adjoining 623 East 12th Street to allow for placement of bollards to protect the storefront of the building on said property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, and further subject to a City-approved site plan for the bollards.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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