 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	March 8, 2018
	Agenda Item No.	51
	Roll Call No.	<u>18-0384</u>
	Communication No.	<u>18-103</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of portions of the north/south alley lying east of and adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC for \$3,200.

SYNOPSIS:

Recommend approval for vacation of portions of the north/south alley lying east of and adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC, Dan Cornelison, Member, 6900 Westown Parkway, West Des Moines, Iowa, 50266 for \$3,200. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

This easement will allow for an electrical room door and transformer enclosure access gates to swing into the north/south alley lying east of and adjoining 121 12th Street. There is no current or anticipated public need for the easement area to be conveyed.

FISCAL IMPACT:

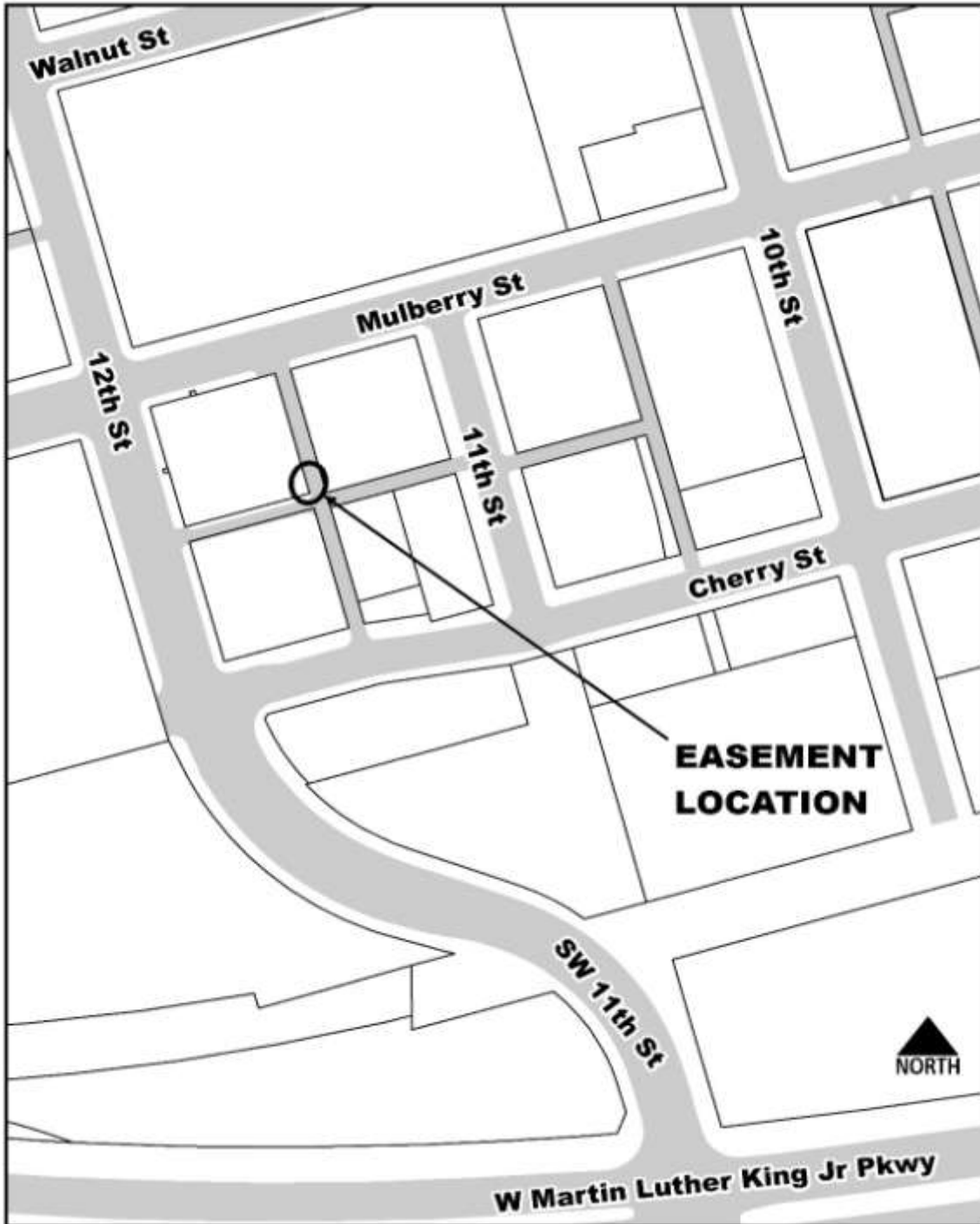
Amount: \$3,200 (Revenue)

Funding Source: Non-project related land sale proceed are used to support general operating budget expenses: Org – ENG064090.

ADDITIONAL INFORMATION:

- On January 8, 2018, by Roll Call No. 18-0043, 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 12th Street Lofts, LLC for the vacation of a 3.5-foot by 4-foot segment and a 5.5-foot by 12-foot segment of surface rights within the north/south alley adjoining 121 12th Street to allow an electrical room door and transformer enclosure access gates to encroach into the alley, subject to the following conditions:
 1. Reservations of any necessary easement for all existing utilities in place until such time that they are abandoned or are relocated.
 2. Demonstration by the applicant that it is not feasible for the subject pedestrian door to swing inward to the satisfaction of the Planning Administrator.
 3. A window in the door shall be provided if it is determined by the Planning Administrator that the door cannot swing into the electrical room per condition #2.

- The City's Planning Administrator is satisfied with 12th Street Lofts, LLC's compliance with conditions #2 and #3 above from the Plan and Zoning Commission recommendations.
- 12th Street Lofts, LLC, owner of the adjoining property, 121 12th Street, has offered to the City the purchase price of \$3,200 for the purchase of a Permanent Easement for Building Encroachment, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which price reflects the fair market value of the easement interest as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: February 19, 2018

Roll Call Number: [18-0266](#)

Action: [On](#) vacation of portions of the north/south alley lying east of and adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC, \$3,200, (3-8-18, 8:00 AM)

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: December 21, 2017

Resolution Number: 11-2017-1.19

Action: Recommend approval of a request from 12th Street Lofts, LLC (owner), represented by Ashley Aust (officer), for vacation of a 3.5-foot by 4-foot segment and a 5.5-foot by 12-foot segment of the surface rights within the north/south alley adjoining 21 12th Street, to allow an electrical room door and transformer enclosure access gates to encroach into the alley, 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 are relocated.
2. Demonstration by the applicant that it is not feasible for the subject pedestrian door to swing inward to the satisfaction of the Planning Administrator.
3. A window in the door shall be provided if it is determined by the Planning Administrator that the door cannot swing into the electrical room per condition #2.

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@dm.gov.