 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	April 9, 2018
	Agenda Item No.	52
	Roll Call No.	<u>18-610</u>
	Communication No.	<u>18-176</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for approval of documents for vacation of a portion of Grand Avenue right-of-way adjoining 665 Grand Avenue and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property and a Permanent Easement for Air Space Above City-owned Property to Miesblock Commercial, LLC (Miesblock), for \$6,870.

SYNOPSIS:

Recommend approval for vacation of a portion of Grand Avenue right-of-way adjoining 665 Grand Avenue and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property and a Permanent Easement for Air Space Above City-owned Property to Miesblock, Michael K. Nelson, Managing Member, 218 6th Avenue, Suite 200, Des Moines, Iowa 50309, for \$6,870, subject to the reservation of any necessary easements for all existing utilities in place, and further subject to the requirement that any proposed structure be constructed in compliance with a City-approved site plan. The purchase price of \$6,870 reflects a credit of \$3,920 for Miesblock’s release of a permanent easement for air space above City-owned property that was conveyed in 2016, which is no longer required due to building design changes. The new easements will allow for the permanent encroachment of subsurface building foundations, an entrance canopy and building sunscreens into the vacated right-of-way.

This action is required by Iowa law prior to making a final determination on the proposed sale by resolution and there is no current or anticipated public need for the easement areas to be conveyed.

FISCAL IMPACT:

Amount: \$6,870 (Revenue)

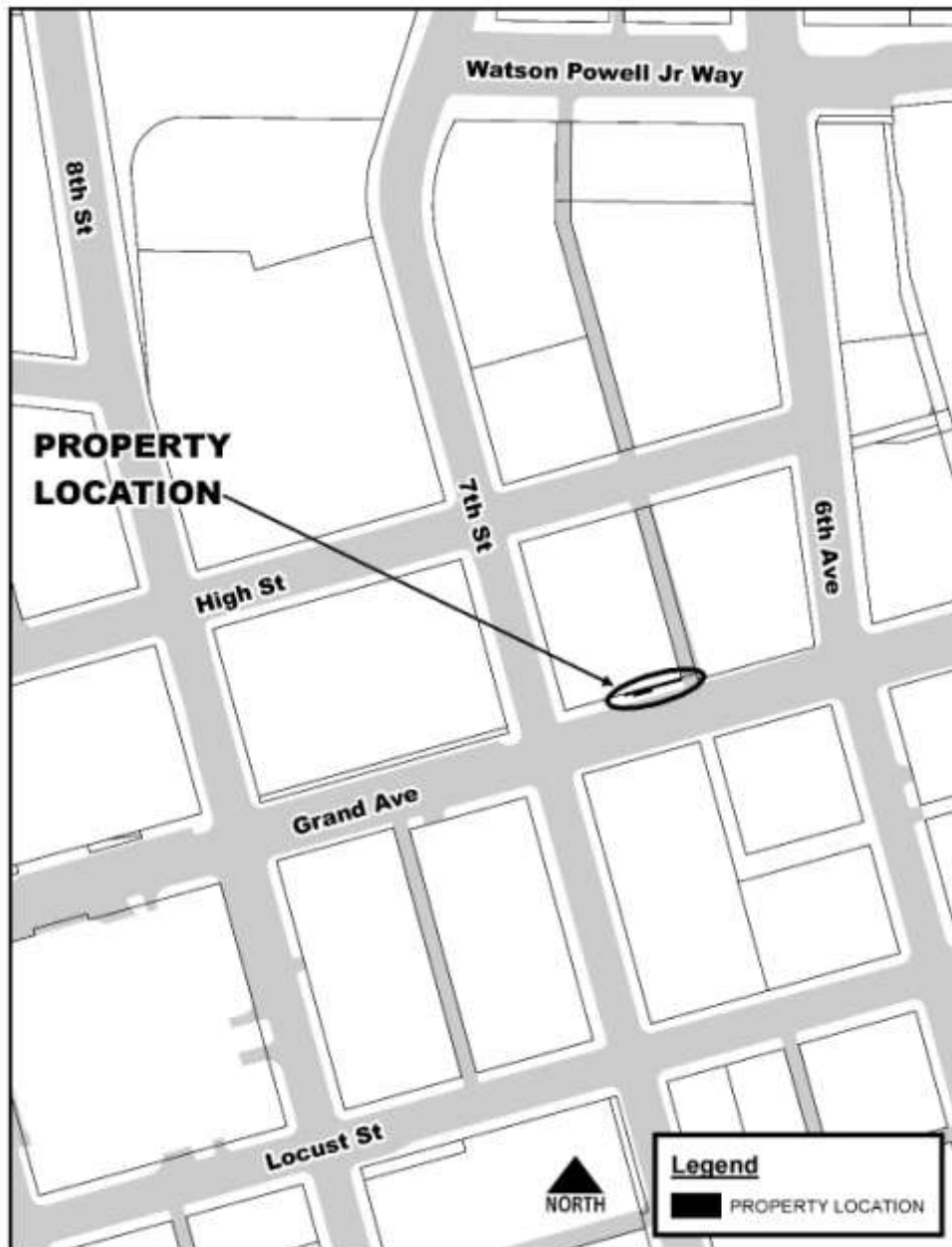
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

ADDITIONAL INFORMATION:

- On February 5, 2018, by Roll Call No. 18-0193, 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 Miesblock for the vacation of subsurface rights and air rights in a portion of Grand Avenue right-of-way adjoining 665 Grand Avenue to allow for permanent encroachment of subsurface building foundations, an entrance canopy and building sunscreens into the right-of-way, 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 the requirement that any proposed structure be constructed in compliance with a City-approved site plan.

- Miesblock has offered to the City the purchase price of \$6,870 for the purchase of a Permanent Easement for Subsurface 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 subsurface building encroachment easement area to be conveyed consists of approximately 127 square feet, and the air space easement area to be conveyed consists of approximately 328 square feet. The purchase price of \$6,870 is equal to the fair market value of the easements as determined by the City’s Real Estate Division, which includes a credit of \$3,920 for Miesblock’s release of a permanent easement for air space above City-owned property that was conveyed in 2016, which is no longer required due to building design changes.



PREVIOUS COUNCIL ACTION(S):

Date: March 19, 2018

Roll Call Number: [18-0457](#)

Action: [On](#) approval of documents for vacation of portions of Grand Avenue right-of-way adjoining 665 Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property and a permanent easement for air space above City-owned property to Miesblock Commercial, LLC for \$6,870, (4-9-18). Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: January 18, 2018

Resolution Number: 11-2017-1.20

Action: Recommends approval of the request from Miesblock Commercial, LLC for vacation of subsurface rights within the north 2 feet of Grand Avenue right-of-way adjoining 665 Grand Avenue, and vacation of air rights within the north 6.25 feet of Grand Avenue right-of-way adjoining 665 Grand Avenue, subject to 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 the requirement that any proposed structure be constructed in compliance with a City-approved site plan.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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