 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	May 21, 2018
	Agenda Item No.	69
	Roll Call No.	<u>18-0927</u>
	Communication No.	<u>18-271</u>
	Submitted by:	Steven L. Naber, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of East 5th Street right-of-way located east of and adjoining 440 East Grand Avenue, and conveyance of a Permanent Easement for Building Encroachment to RE3, LLC for \$3,960.

SYNOPSIS:

Recommend approval of the vacation of a portion of East 5th Street right-of-way located east of and adjoining 440 East Grand Avenue, and conveyance of a Permanent Easement for Building Encroachment to RE3, LLC, Tim Rypma, Manager, 512-1/2 East Grand Avenue, Suite 203, Des Moines, Iowa, 50309 for \$3,960, subject to reservation of any necessary easements for all existing utilities in place. This action is required by Iowa law prior to making a final determination on the proposed conveyance by resolution.

This easement will allow for the permanent encroachment of an Americans with Disabilities Act (ADA) ramp with door swings and footings extending into the vacated right-of-way adjoining 440 East Grand Avenue. A minimum of six (6) feet of active right-of-way will remain in place for pedestrian use. The City will not be inconvenienced by the conveyance of this encroachment easement.

FISCAL IMPACT:

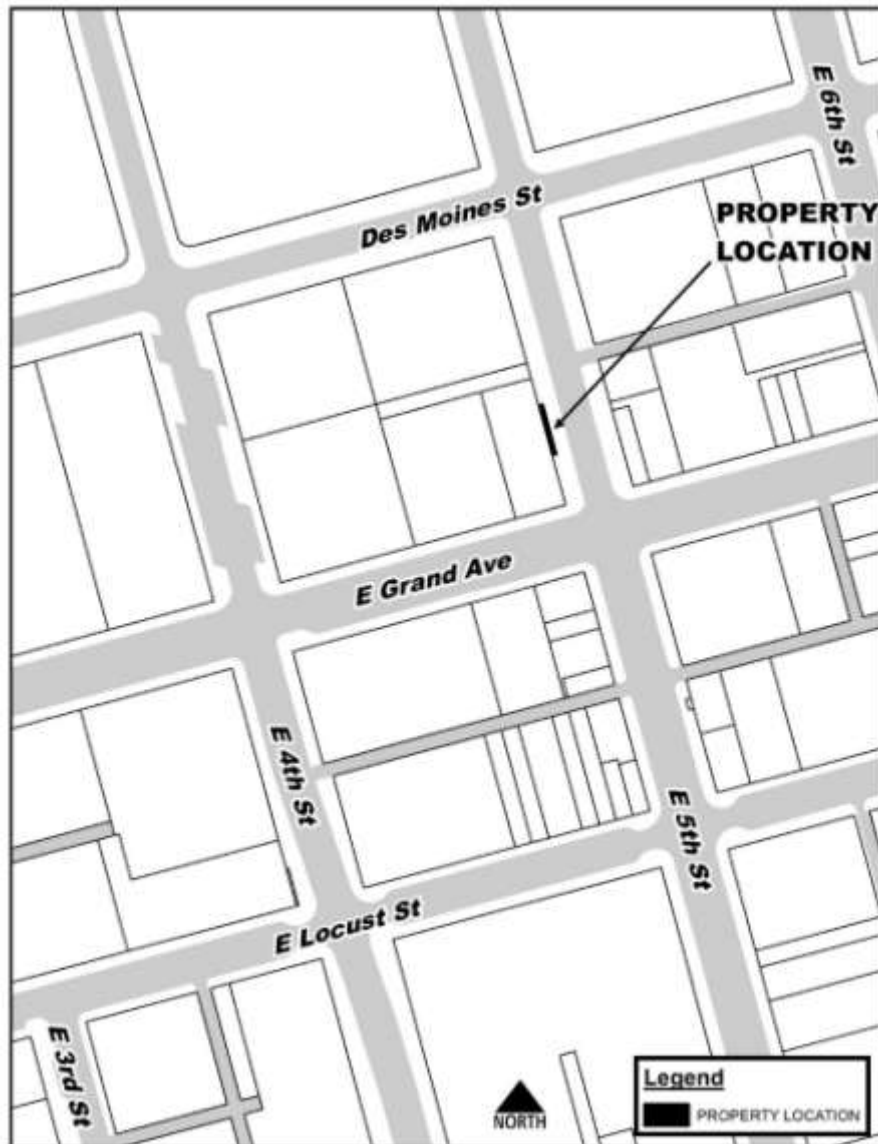
Amount: \$3,960 (Revenue)

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

ADDITIONAL INFORMATION:

- On April 19, 2018, City Plan and Zoning Commission voted to recommend approval of a request from RE3, LLC, represented by Tim Rypma, for vacation of a 5.5-foot by 60-foot segment of the west side of East 5th Street right-of-way adjoining 440 East Grand Avenue, to allow for entrances, an egress ramp and stairs as part of renovation of the existing building on the adjoining property, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated.

- RE3, LLC is the owner of the adjoining property at 440 East Grand Avenue and has offered to the City the purchase price of \$3,960 for the purchase of a Permanent Easement for Building Encroachment in the vacated East 5th Street right-of-way located east of and adjoining its property.
- The building encroachment easement area to be conveyed consists of approximately 330 square feet and the purchase price of \$3,960 reflects the estimated fair market value of the easement as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: May 7, 2018

Roll Call Number: [18-0763](#)

Action: On vacation of a portion of E. 5th Street right-of-way located east of and adjoining 440 E. Grand Avenue and conveyance of a permanent easement for building encroachment to RE3, LLC, \$3,960, (5-21-18). Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: April 19, 2018

Resolution Number: 11-2018-1.07

Action: Recommend approval of a request from RES, LLC (owner), represented by Tim Rypma (officer), for vacation of a 5.5-foot by 60-foot segment of the west side of East 5th Street right-of-way adjoining 440 East Grand Avenue, subject to reservation of any necessary easements for all existing utilities in place, or relocation of said utilities at the developer's expense.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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