 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 11, 2018
	Agenda Item No. 64 Roll Call No. <u>18-1035</u> Communication No. <u>18-296</u> Submitted by: Steven L. Naber, P.E., City Engineer

AGENDA HEADING:

Hold hearing for approval of documents for vacation of subsurface rights in a portion of East Grand Avenue right-of-way and a portion of East 2nd Street right-of-way all adjoining 111 East Grand Avenue and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property to 111 East Grand, LLC for \$12,345.

SYNOPSIS:

Recommend approval for vacation of a portion of East Grand Avenue right-of-way and a portion of East 2nd Street right-of-way all adjoining 111 East Grand Avenue, and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property to 111 East Grand, LLC, Tim Rypma, Manager, 512½ East Grand Avenue, Suite 203, Des Moines, Iowa, 50309 for \$12,345, 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 building footing encroachments into vacated right-of-way adjoining 111 East Grand Avenue as part of the proposed redevelopment of the property. There is no current or anticipated public need for the easement area to be conveyed.

FISCAL IMPACT:

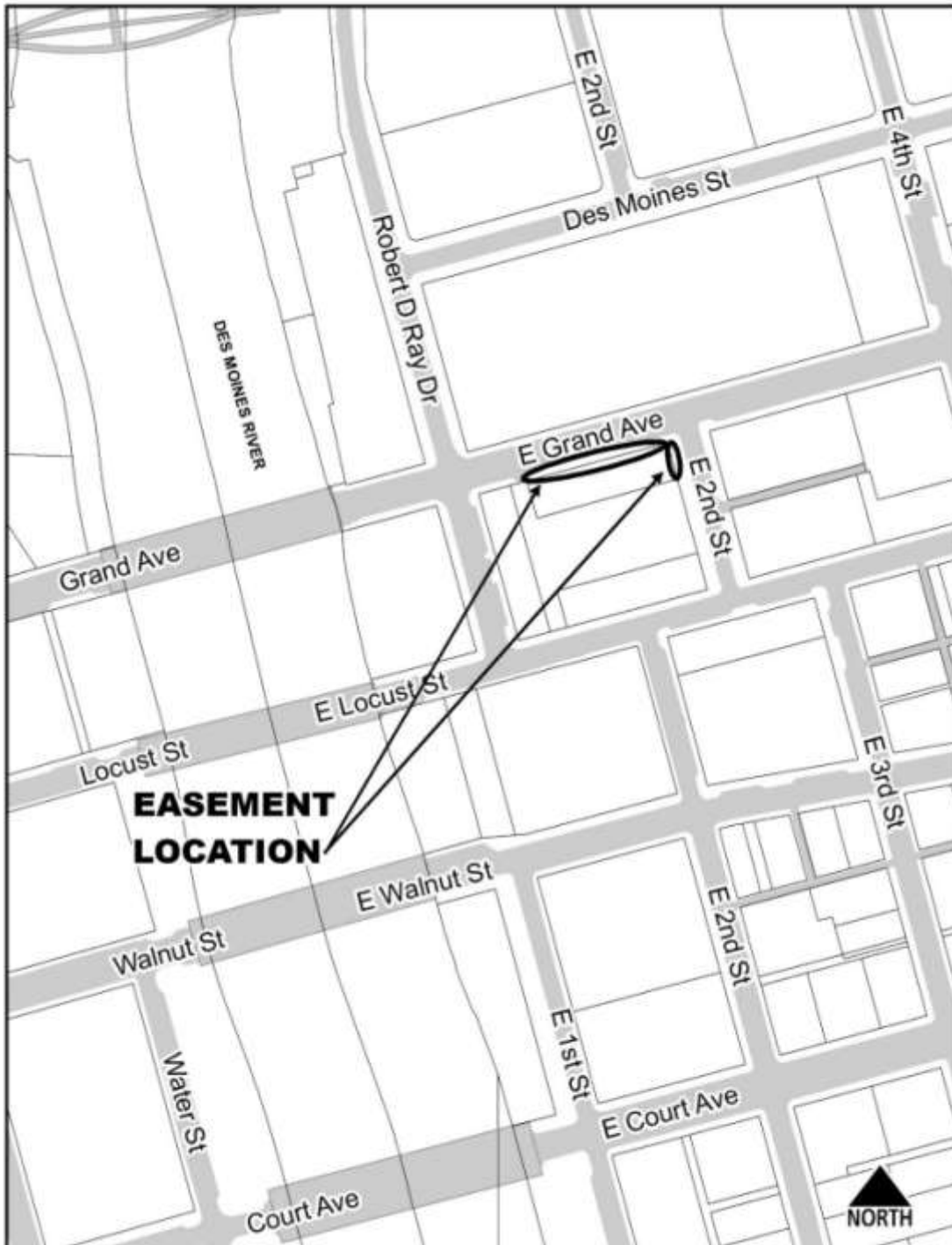
Amount: \$12,345 (Revenue)

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

ADDITIONAL INFORMATION:

- On May 3, 2018, City Plan and Zoning Commission voted to recommend approval of a request from 111 East Grand, LLC for vacation of the subsurface rights in the west two (2) feet of East 2nd Street right-of-way and in the north two (2) feet of East Grand Avenue right-of-way adjoining 111 East Grand Avenue to allow for building footing encroachments for the adjoining development, subject to the necessary relocation of existing utilities in place being made at the developer's expense.

- 111 East Grand, LLC is the owner of the adjoining property at 111 East Grand Avenue and has offered to the City the purchase price of \$12,345 for the purchase of a Permanent Easement for Subsurface Building Encroachment on City-owned Property in the vacated East 2nd Street and East Grand Avenue right-of-way adjoining their property.
- The subsurface building encroachment easement area to be conveyed consists of approximately 1,286 square feet. The purchase price of \$12,345 reflects the fair market value of the easement as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: May 21, 2018

Roll Call Number: [18-0873](#)

Action: [On](#) approval of documents for vacation of subsurface rights in a portion of E. Grand Avenue right-of-way and a portion of E. 2nd Street right-of-way all adjoining 111 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property to 111 East Grand, LLC, \$12,345, (6-11-18). Moved by Gray to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: May 3, 2018

Resolution Number: 11-2018-1.09

Action: Recommend approval of a request from 111 East Grand, LLC (developer), represented by Tim Rypma (officer), for vacation of the subsurface rights in the west 2-feet of 2 Street right-of-way and in the north 2-feet of East Grand Avenue right-of-way, all adjoining 111 East Grand Avenue, to allow for building footing encroachments for the adjoining development, subject to any necessary relocation of existing utilities in place being made at the developer's expense

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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