 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 9, 2018
	Agenda Item No. 47 48 Roll Call No. <u>18-1193</u> Communication No. <u>18-356</u> Submitted by: Steven L. Naber, P.E., City Engineer

AGENDA HEADING:

Hold hearing for approval of documents for vacation of a subsurface portion of East 2nd Street right-of-way adjoining 111 East Grand Avenue and conveyance of a Permanent Easement for Subsurface Building Encroachment for a fats, oils and grease (FOG) discharge interceptor to 111 East Grand, LLC for \$5,640; and

Hold hearing for approval of documents for conveyance of a Permanent Easement for Subsurface Building Encroachment for a FOG discharge interceptor located on City-owned property west of and adjoining 111 East Grand Avenue to 111 East Grand, LLC for \$10,800.

SYNOPSIS:

Recommend approval of documents for vacation of a subsurface portion of East 2nd Street right-of-way and conveyance of Permanent Easements for Subsurface Building Encroachments for FOG discharge interceptors in said vacated right-of-way and in a portion of City-owned property west of and adjoining 111 East Grand Avenue to 111 East Grand, LLC, Tim Rypma, Manager, 512½ East Grand Avenue, Suite 203, Des Moines, Iowa, 50309, for \$16,440. This action is required by Iowa law prior to making a final determination on the proposed conveyance by resolution.

The easement in the vacated East 2nd Street right-of-way will allow for the placement of a FOG discharge interceptor to serve the building currently under construction on the adjoining property at 111 East Grand Avenue. The easement on City-owned property west of and adjoining 111 East Grand Avenue will allow for 111 East Grand, LLC to control an alternative location should the City require the FOG interceptor to be moved outside the City’s right-of-way for municipal facilities or improvements. There is no current or anticipated public need for the easement area to be conveyed.

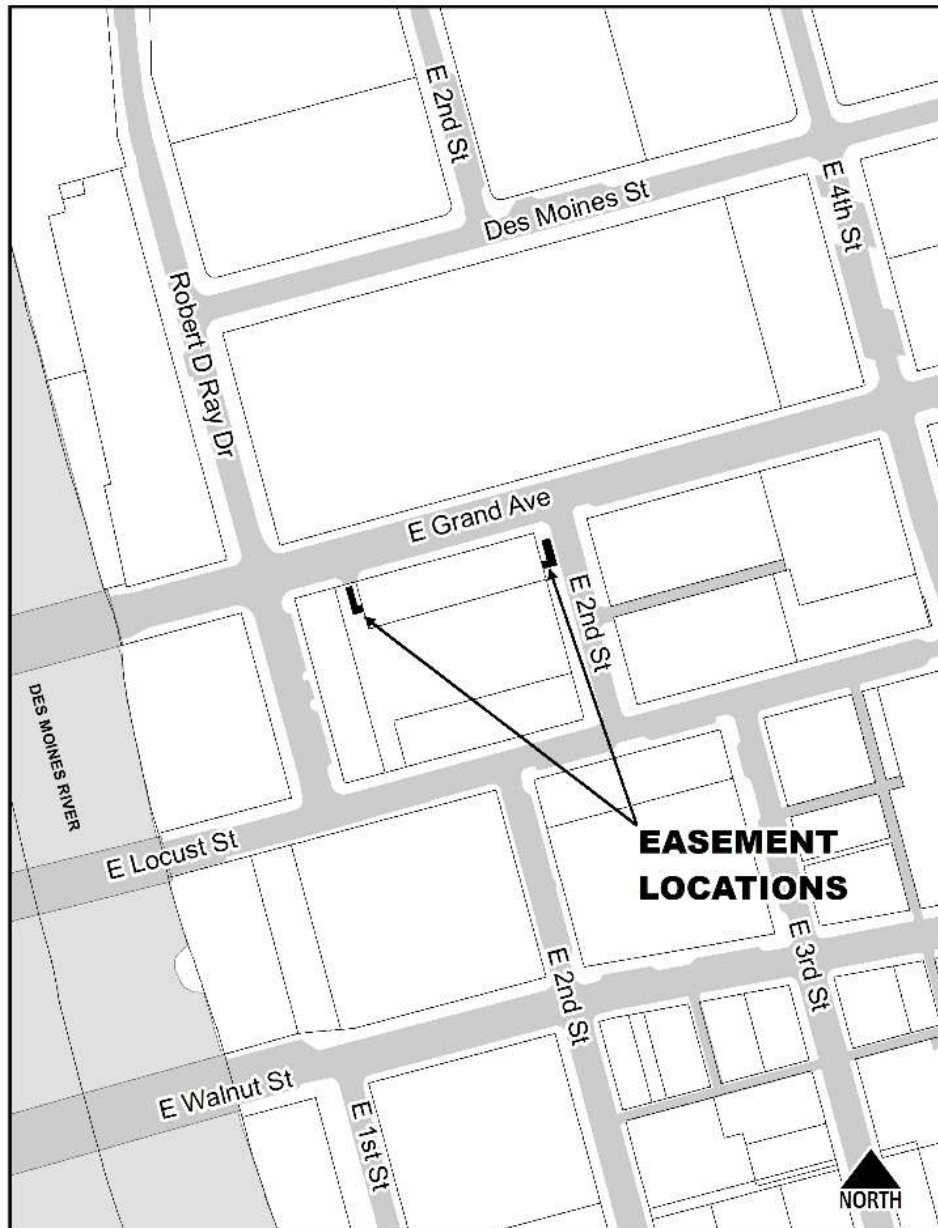
FISCAL IMPACT:

Amount: \$16,440 (Revenue)

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

ADDITIONAL INFORMATION:

- On June 7, 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 a 12-foot by 40-foot segment of East 2nd Street right-of-way adjoining 111 East Grand Avenue, Des Moines, Iowa to allow for placement of a FOG discharge interceptor to serve the building currently under construction on the adjoining property, subject to the following:
 - Termination by the City at any time the easement area should be needed for municipal facilities or improvements.
 - Upon termination of the easement by the City, the developer/owner shall remove the FOG Interceptor and related appurtenances at developer/owner's expense.
 - The building shall be plumbed at this time and at the developer/owner's expense to allow for future relocation of the FOG interceptor to a location outside the City's Right-of-Way.
 - Prior to the City granting the easement within the City's Right-of-Way, the developer/owner shall secure the alternative location for the FOG interceptor.
- 111 East Grand, LLC identified a portion of City-owned property located west of and adjoining their property at 111 East Grand Avenue as a potential alternative location for the FOG interceptor proposed to be placed within the vacated East 2nd Street right-of-way, thereby satisfying the fourth condition of the Plan and Zoning Commission recommendation.
- 111 East Grand, LLC, has offered to the City the purchase price of \$5,640 for the purchase of a Permanent Easement for Subsurface Building Encroachment on City-owned Property in the vacated East 2nd Street right-of-way, subject to reservation of easements therein and further subject to the City's right to terminate the easement in the event that the easement area is needed for municipal facilities or other public improvements.
- 111 East Grand, LLC has offered to the City the purchase price of \$10,800 for the purchase of a Permanent Easement for Subsurface Building Encroachment located on City-owned property west of and adjoining 111 East Grand Avenue. This easement will secure an alternative location for the FOG interceptor if the City determines that the easement area located in vacated East 2nd Street right-of-way is needed for municipal facilities or other public improvements.
- The subsurface building encroachment easement area to be conveyed in the vacated East 2nd Street right-of-way consists of approximately 564 square feet and the subsurface building encroachment area to be conveyed in the City-owned property located west of and adjoining 111 East Grand Avenue consists of approximately 432 square feet. The total purchase price of \$16,440 reflects the fair market value of the easements as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: June 25, 2018

Roll Call Number: [18-1065](#) , [18-1066](#) and [18-1067](#)

Action: Items regarding building encroachment for a fats, oils and grease (FOG) discharge interceptor located on City-owned property, 111 East Grand, LLC:

- (A) [Communication](#) from Plan and Zoning Commission. Moved by Coleman to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

(B) On vacation of a subsurface portion of E. 2nd Street right-of-way adjoining 111 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachment, \$5,640, (7-9-18). Moved by Coleman to adopt. Motion Carried 7- 0.

(C) On conveyance of a permanent easement for subsurface building encroachment on City-owned property on the west side of 111 E. Grand Avenue, \$10,800, (7-9-18). Moved by Coleman to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: June 7, 2018

Resolution Number: 11-2018-1.08

Action: Recommend approval of a request from 111 East Grand, LLC (owner), 111 East Grand Avenue, represented by Tim Rypma (officer) for vacation of a 12-foot by 40-foot segment of subsurface from the East 2nd Street ROW adjacent the subject property, to allow for placement of underground Fats, Oils, and Grease (FOG) interceptors to serve the building.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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