


COUNCIL COMMUNICATION

	Number:	20-495	Meeting:	November 9, 2020
	Agenda Item:	59	Roll Call:	20-1837
	Submitted by:	Steven L. Naber, P.E., City Engineer; Benjamin R. Page, Park and Recreation Director		

AGENDA HEADING:

Hold hearing for approval of documents for conveyance of a Permanent Easement for Building Encroachment in a portion of Waveland Golf Course located west of and adjoining 4841 Algonquin Road to Cory L. Schooley and Kristin K. Schooley for \$3,740.

SYNOPSIS:

Recommend approval of conveyance of a Permanent Easement for Building Encroachment in a portion of Waveland Golf Course located west of and adjoining 4841 Algonquin Road to Cory L. Schooley and Kristin K. Schooley, owners of 4841 Algonquin Road Des Moines, Iowa 50311 for \$3,740, subject to the reservation of easements for utilities in place, and all terms and conditions of the permanent easement.

The sale of this Permanent Easement for Building Encroachment will bring an existing building and pavement encroachment onto Waveland Golf Course property into legal compliance. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. The encroachment area is located outside the golf course fence and the conveyance of an easement will not impact the use of the golf course. The easement will automatically terminate if the improvements are ever destroyed to such a degree that the estimated cost of the repairs necessary to restore the improvements to their condition prior to such destruction exceeds 50% of the replacement cost.

FISCAL IMPACT:

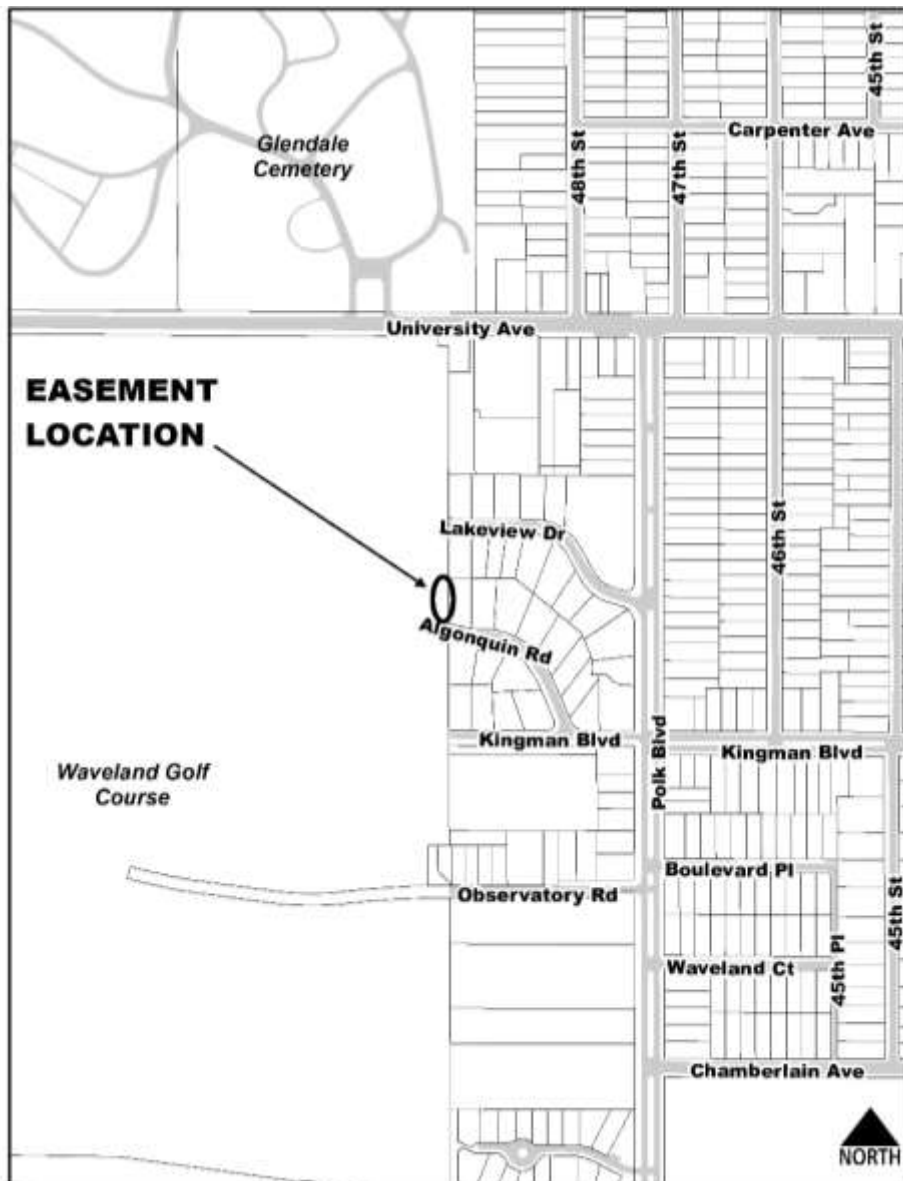
Amount: \$3,740 (Revenue)

Funding Source: Proceeds from the sale of this easement are used to support the Park and Recreation operating budget expenses: Org – PK001200.

ADDITIONAL INFORMATION:

- Cory and Kristin Schooley were planning an addition to their home at 4841 Algonquin Boulevard. The property shares its western border with the City's Waveland Golf Course property. During the preparation of a boundary survey of the Schooley's property it was discovered that part of the existing home, driveway, retaining wall and a walkway encroached onto the City's property. The encroachments are located outside of the golf course fence and do not impact the use of the golf course.

- The Park and Recreation Department and Real Estate Division of the Engineering Department recommend conveyance of an easement to the Schooley's to legalize the existing encroachments, subject to the following conditions:
 - No new structures, buildings or other improvements will be allowed on City property.
 - No trees or shrubs will be removed from the Easement Area, and the existing golf course fence line will not be re-routed.
 - The Schooley's and the Schooley's successors and assigns agree to indemnify, defend, pay on behalf of and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City from any and all property damage or personal injury caused by golf balls hit from Waveland Golf Course onto the Easement Area or their adjoining property.
- The easement area to be conveyed consists of 1,665 square feet and the easement purchase price of \$3,740 is equal to the fair market value for the easement, as determined by the City's Real Estate Division.



PREVIOUS COUNCIL ACTION(S):

Date: October 19, 2020

Roll Call Number: [20-1657](#)

Action: [On](#) conveyance of a permanent easement for building encroachment in a portion of Waveland Golf Course located west of and adjoining 4841 Algonquin Road to Cory L. Schooley and Kristin K. Schooley, \$3,740.00, (11-9-20). Moved by Boesen to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

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 Hall, 400 Robert D Ray Drive. 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@dmgov.org.