


COUNCIL COMMUNICATION

	Number:	21-102	Meeting:	March 8, 2021
	Agenda Item:	58	Roll Call:	21-0422
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Hold hearing for approval of documents for vacation of a segment of East 38th Street right-of-way between Hubbell Avenue and East Douglas Avenue and conveyance to Git-N-Go Convenience Stores, Inc. (Git-N-Go) for \$69,440.

SYNOPSIS:

Recommend approval of vacation of a segment of East 38th Street right-of-way between Hubbell Avenue and East Douglas Avenue and conveyance to Git-N-Go (Dennis Flora, President, 2716 Indianola Avenue, Des Moines, Iowa), for \$69,440. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

The vacation and sale of this excess street right-of-way will allow Git-N-Go to assemble the City's property with its adjoining property located at 3765 Hubbell Avenue, for development of a new Git-N-Go convenience store.

FISCAL IMPACT:

Amount: \$69,440 (Revenue)

Funding Source: Proceeds from the sale of this property will be deposited into the Hubbell Avenue Improvements – East 33rd Street to East 38th Street Project, C038EG99, ST259.

ADDITIONAL INFORMATION:

- The Hubbell Avenue Improvements – East 33rd Street to East 38th Street project (Project) required the partial acquisition and demolition of the Git-N-Go convenience store located at 3765 Hubbell Avenue. The Project also resulted in the permanent closure and removal of E. 38th Street between E. Douglas Avenue and Hubbell Avenue, all of which adjoins Git-N-Go's remaining property.
- As part of the terms of the purchase agreement with Git-N-Go, the City agreed to present an offer to vacate and convey the above segment of E. 38th Street to Git-N-Go following completion of the Project, subject to all statutory requirements and processes for approval, which conveyance will provide Git-N-Go with an adequate remainder site for the construction of a new convenience store.

- The property to be vacated and conveyed consists of 15,875 square feet, with 13,233 square feet of the property being subject to an easement for existing utilities and a no-build easement.
- The purchase price of \$69,440 is equal to the restricted-use fair market value of the property based on an independent appraisal approved by the City’s Real Estate Division.
- There is no public need for the property that is proposed to be vacated and conveyed, and the conveyance of the property will help reduce future property maintenance and liability costs for the City and return the property to the tax rolls.



PREVIOUS COUNCIL ACTION(S):

Date: February 22, 2021

Roll Call Number: [21-0263](#)

Action: [On](#) City-initiated request for vacation a segment of East 38th Street right-of-way between Hubbell Avenue and East Douglas Avenue and conveyance to Git-N-Go Convenience Stores, Inc for \$69,440, (3-8-21). Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: February 4, 2021

Resolution Number: [11-2021-1.01](#)

Action: [City](#) initiated request from Phil Wageman (Real Estate Manager) for vacation of a segment of East 38th Street from Hubbell Avenue to East Douglas Ave, to allow it to be assembled with property at 3765 Hubbell Avenue owned by Git-N-Go Convenience Stores, Inc. as part of previous agreement with the owner for acquisition of a part of that property for use in the relocation of East Douglas Avenue project at Hubbell Avenue.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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