 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 11, 2013
	Agenda Item No.	17
	Roll Call No.	<u>13-0192</u>
	Communication No.	<u>13-052</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Approving assignment of purchase agreement from Polk County, Iowa to the Iowa Natural Heritage Foundation, for the purchase of excess City-owned property located northeast of NE 80th Street and NE 126th Avenue.

SYNOPSIS:

Recommend approval for assignment of purchase agreement from Polk County, Iowa to the Iowa Natural Heritage Foundation, for purchase of excess City-owned Property located northeast of NE 80th Street and NE 126th Avenue. The sale of this property to Polk County was approved by City Council on September 10, 2012, by Roll Call No. 12-1458. Polk County is now requesting to assign the Purchase Agreement dated September 4, 2012, between the City of Des Moines and Polk County to the Iowa Natural Heritage Foundation. The Iowa Natural Heritage Foundation acknowledges that the original Purchase Agreement was for the benefit of a governmental body to be maintained and used for public conservation purposes as authorized by Iowa Code chapter 350 and accepts the assignment with the same restriction.

FISCAL IMPACT:

Amount: \$235,815 (Revenue)

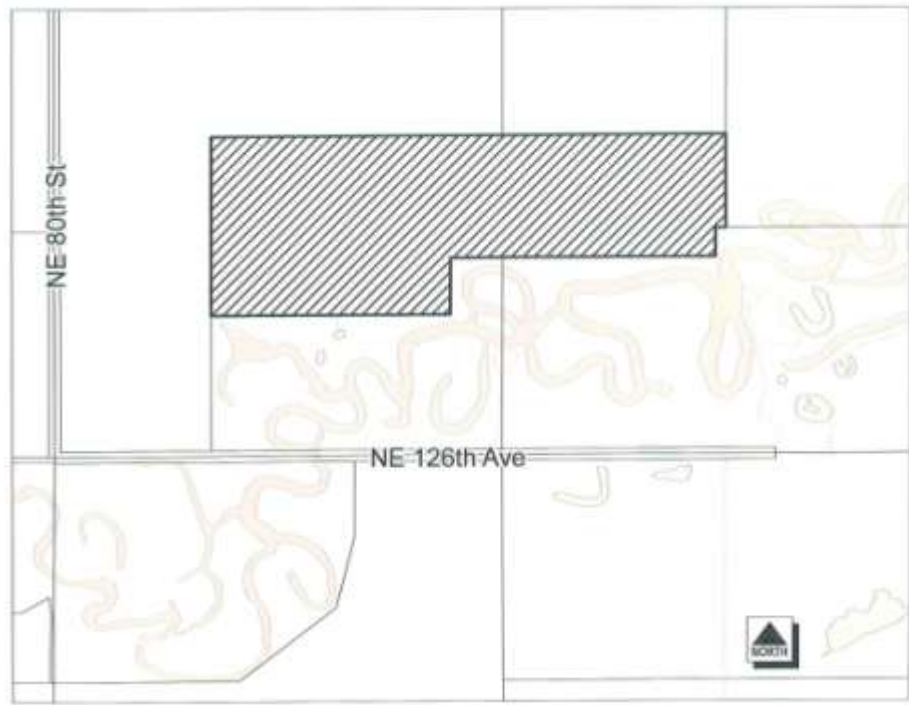
Funding Source: The proceeds from the sale of this property will be paid to the Des Moines Airport Authority.

ADDITIONAL INFORMATION:

In 2007, the City used airport funds to purchase approximately 60 acres of land along the Skunk River in eastern Polk County to be used to mitigate for the taking of wetlands for the Runway 13R/31L project at the Des Moines International Airport. At the time it was purchased, the property would have been large enough to mitigate for all wetlands taken. However, after the purchase, the Army Corps of Engineers adopted new rules increasing the mitigation ratios and making this property insufficiently large and economically impractical for the mitigation. The property is adjacent to the Polk County Chichaqua Bottoms Greenbelt area and the County, through the Polk County Conservation Board, has offered to purchase the property at a price of \$208,200, which is equal to the City's (now the Des Moines Airport Authority's) cost to acquire the property. In addition, the County has agreed to pay \$27,615.00 to reimburse the City for its incidental and labor costs incurred in purchasing the property. Because the City owns the underlying title to the property, the City Council approved the sale even

though the Authority will receive the proceeds. At its August 14, 2012 meeting, the Airport Authority Board, by Resolution A12-105, recommended the sale of the property.

City Council approved the sale to Polk County on September 10, 2012. Polk County is now requesting to assign the Purchase Agreement dated September 4, 2012, between the City of Des Moines and Polk County to the Iowa Natural Heritage Foundation. Iowa Natural Heritage Foundation acknowledges that the original Purchase Agreement was for the benefit of a governmental body to be maintained and used for public conservation purposes as authorized by Iowa Code chapter 350 and accepts the assignment with the same restriction.



PREVIOUS COUNCIL ACTION(S):

Date: September 10, 2012

Roll Call Number: [12-1458](#)

Action: [On](#) sale of excess City-owned property northeast of NE 80th Street and NE 126th Avenue to Polk County, \$208,200. ([Council Communication No. 12-479](#)). Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.

Date: August 27, 2012

Roll Call Number: [12-1378](#)

Action: [On](#) sale of excess city-owned property Northeast of NE 80th Street and NE 126th Avenue to Polk County, \$208,200 and to continue to September 10, 2012 at 5:00 PM. ([Council Communication No. 12-448](#)). Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.

Date: August 13, 2012

Roll Call Number: [12-1248](#)

Action: [On](#) sale of excess city-owned property northeast of NE 80th Street and NE 126th Avenue to Polk County, \$208,200, (8-27-12). Moved by Hensley 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.