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July 24, 2006

Date

HEARING ON SALE OF CITY OWNED PROPERTY
IN THE VICINITY OF MARTIN LUTHER KING JR. PARKWAY
AND HIGH STREET TO HUBBELL REALTY COMPANY

WHEREAS, on June 4, 2001, by Roll Call No. 01-1767, the City Council of the City of Des Moines approved the Fair Market Value of 2103 Ingersoll Avenue and authorized the acquisition for the North-South Segment of the Martin Luther King Jr. Parkway Project; and

WHEREAS, the Real Estate Division of the Engineering Department did negotiate the purchase of this land and the purchase was completed on September 1, 2001 and provided, in part, for the sale of excess property not needed for the Martin Luther King Jr. Parkway, subject to approval by the City Council in accordance with Iowa Code Section 364.7; and

WHEREAS, on July 14, 2003 by Roll Call No. 03-1646, the City Council approved the sale of a portion of such excess property in the vicinity of Ingersoll Avenue, Martin Luther King Jr. Parkway and High Street to Knapp Properties, Inc. for development of a medical clinic and for residential development; and

WHEREAS, Hubbell Realty Company has offered to purchase the remaining portion of such excess property for the purchase price of \$124,740.00 for residential development.

WHEREAS, on July 10, 2006, by Roll Call No. 06-1334, it was duly resolved by the City Council that the proposed sale and conveyance of such property to Hubbell Realty Company be set down for hearing on July 24, 2006, at 5:00 p.m., in the Council Chamber at City Hall; and

WHEREAS, due notice of said proposal to sell and convey public property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interest in said proposed sale and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed sale and conveyance of City-owned property as described below are hereby overruled and the hearing is hereby closed.

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2. There is no public need for and the public will not be inconvenienced by the sale of the City-owned property described below and the sale of such property is hereby determined to be in the best interests of the City.

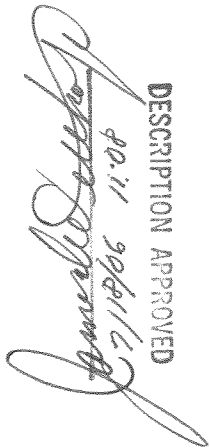
3. That the Offer to Buy Real Estate received from Hubbell Realty Company offering to purchase the City-owned property in the vicinity of Martin Luther King Jr. Parkway and High Street, more specifically described as follows, for a purchase price of \$124,740.00 is hereby approved.

ALL THAT PART OF LOT 8 IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECT OF THE PRESENT SOUTH RIGHT-OF-WAY LINE OF HIGH STREET AND THE EAST LINE OF SAID LOT 8; THENCE SOUTH 89° (DEGREES) 50' (MINUTES) 10"(SECONDS) WEST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF HIGH STREET, 287.65 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°06'49" EAST, 209.70 FEET; THENCE SOUTH 89°54'10" WEST, 119.62 FEET; THENCE NORTH 00°12'50" EAST, 209.55 FEET TO THE PRESENT SOUTH RIGHT-OF-WAY LINE OF HIGH STREET; THENCE NORTH 89°50'10" EAST ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF HIGH STREET, 118.42 FEET TO THE POINT OF BEGINNING.

BY SURVEY CONTAINING 24,948 SQUARE FEET, OR 0.57 ACRE.

4. The Mayor is authorized and directed to sign the Acceptance of the Offer to Buy Real Estate and the Special Warranty Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature and to certify acceptance of the easements for storm sewer right-of-way reserved by the City.

DESCRIPTION APPROVED
90.11 998116


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5. Upon execution of the Acceptance and Deed, the City Clerk is directed to forward the executed documents, a certified copy of this resolution and of the affidavit publication of the notice of this hearing to the Real Estate Division of the Engineering Department for closing in accordance with the terms of the Offer to Buy Real Estate.

6. That the City Manager or his designees are hereby directed to administer the terms of the Offer to Buy Real Estate on behalf of the City and monitor compliance by Hubbell Realty Company with the terms of the Offer to Buy Real Estate.

(Council Communication No. 06-457)

APPROVED AS TO FORM:

Moved by _____ to adopt.



Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

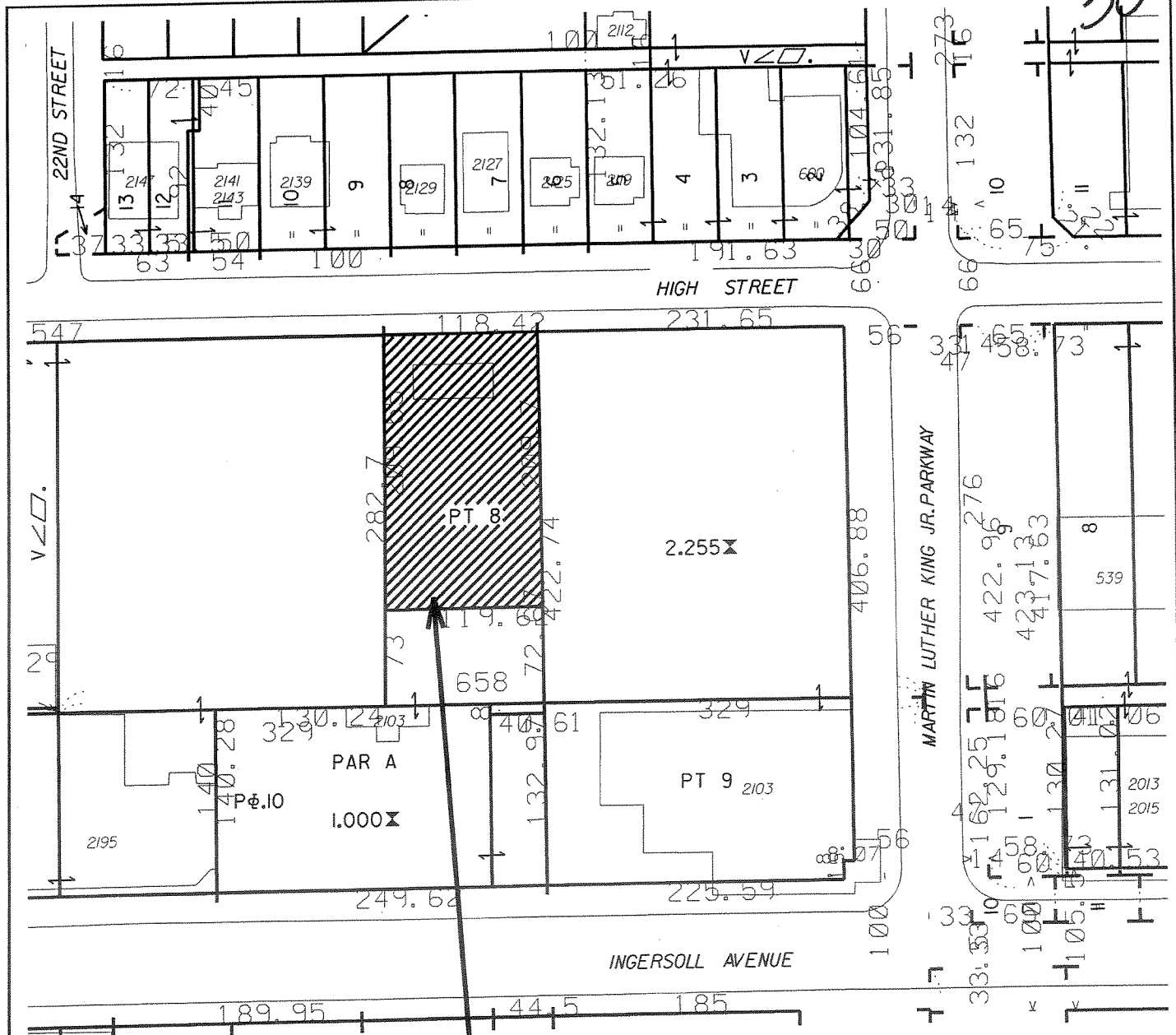
.....Mayor

CERTIFICATE

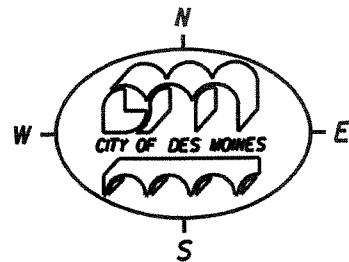
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



**PROPERTY
LOCATION**



**PROPERTY DISPOSITION
2103 INGERSOLL AVENUE
LOT C
ACTIVITY I.D. 34-2007-007**