

Date..... October 25, 2010.....

**HEARING AND APPROVAL OF CONVEYANCE OF EXCESS CITY-OWNED REAL
PROPERTY SOUTH OF THE 1400 BLOCK OF MULBERRY STREET TO
CENTRAL IOWA SHELTER & SERVICES FOR \$507,860.00**

WHEREAS, on May 24, 2010, by Roll Call No. 10-856, the City Council of the City of Des Moines received a request by Central Iowa Shelter & Services (CISS), a homeless services provider, expressing CISS' interest in acquiring City-owned real property directly south of CISS' current location on Mulberry Street, and further received a resolution approved by the Homeless Coordinating Council recommending that the City of Des Moines work with CISS for the proposed development of a new shelter at the Mulberry Street location, and authorized and directed the City Manager to develop a proposal on CISS' request to acquire said City-owned real property and to return to Council for further action on said proposal; and

WHEREAS, CISS has offered the City of Des Moines the purchase price identified below for the purchase of said excess City-owned real property located south of the 1400 block of Mulberry Street as legally described below, which price reflects the fair market value of the property as determined by independent appraisal; and

WHEREAS, there is no known current or future public need for the property proposed to be sold and the City will not be inconvenienced by the sale of said property; and

WHEREAS, on October 20, 2010, by Roll Call No. _____, it was duly resolved by the City Council that the proposed conveyance of the excess City-owned property be set down for hearing on October 25, 2010, at 5:00 p.m. in the Council Chamber; and

WHEREAS, due notice of said proposal to convey the excess City-owned 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 interested in said proposed 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, that:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this portion of excess City-owned real property located south of the 1400 block of Mulberry Street, more specifically described as follows:

Date..... October 25, 2010.....

A PARCEL OF LAND SITUATED IN PART OF LOT 5 OF THE ORIGINAL PLAT OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN AND PART OF LOTS 2 AND 13 OF THE ORIGINAL PLAT OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND PART OF LOT 5 OF KEENE & POINDEXTER'S ORIGINAL PLAT, AND PART OF VACATED LOTS 5, 6 AND 7 OF BLOCK 33 OF KEENE & POINDEXTER'S ADDITION, AND PART OF THE VACATED ALLEY LYING BETWEEN LOTS 5, 6 AND 7 OF BLOCK 33 OF KEENE & POINDEXTER'S ADDITION, AND PART OF VACATED CHERRY STREET LYING SOUTH OF LOTS 6 AND 7 OF BLOCK 33 OF KEENE & POINDEXTER'S ADDITION, AND PART OF VACATED LOTS 5 AND 6 OF BLOCK 32 OF KEENE & POINDEXTER'S ADDITION, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 33 OF KEENE & POINDEXTER'S ADDITION; THENCE SOUTH 74° (DEGREES) 10' (MINUTES) 15" (SECONDS) WEST, ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION, ON THE NORTHWESTERLY LINE OF SAID LOT 1 AND THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET), 300.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°13'48" EAST, 347.00 FEET; THENCE SOUTH 74°10'15" WEST, 105.00 FEET; THENCE NORTH 76°23'32" WEST, 336.47 FEET; THENCE NORTH 15°13'48" WEST, 181.50 FEET TO THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF SAID LOT 1 (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET); THENCE NORTH 74°10'15" EAST ON THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF SAID LOT 1 (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET), 400.00 FEET TO THE POINT OF BEGINNING.
BY SURVEY CONTAINING 114,383 SQUARE FEET OR 2.63 ACRES.

- 3. That the sale and conveyance of such real property to Central Iowa Shelter & Services (CISS) for \$507,860.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
- 4. The Mayor is authorized and directed to sign the Real Estate Purchase Agreement and the Quit Claim Deed for the conveyance as identified above, the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of said Agreement and Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing the Real Estate Purchase Agreement to be recorded upon receipt and the Deed to be recorded following closing, and the Real Estate Division Manager is authorized and directed to forward the Real Estate

★ **Roll Call Number**

Agenda Item Number

50

Date October 25, 2010

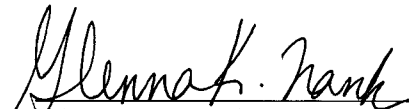
Purchase Agreement upon receipt and the Deed following closing to the Polk County Recorder for recording.

5. The City Manager and/or his designee is hereby authorized and directed to administer and monitor the Real Estate Purchase Agreement; to approve and execute documents pertaining to any minor or unsubstantial changes to said Agreement, following approval of the City Legal Department as to form; and, if needed, to approve, proceed with and execute documents pertaining to forfeiture or termination of the Agreement if CISS fails to fulfill the contract terms required, following approval of the City Legal Department.
6. The proceeds from the sale of this property shall be deposited into the following account: Parking System Improvements project - PKG028, EN054, ENG990000.

(Council Communication No. 10-641)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

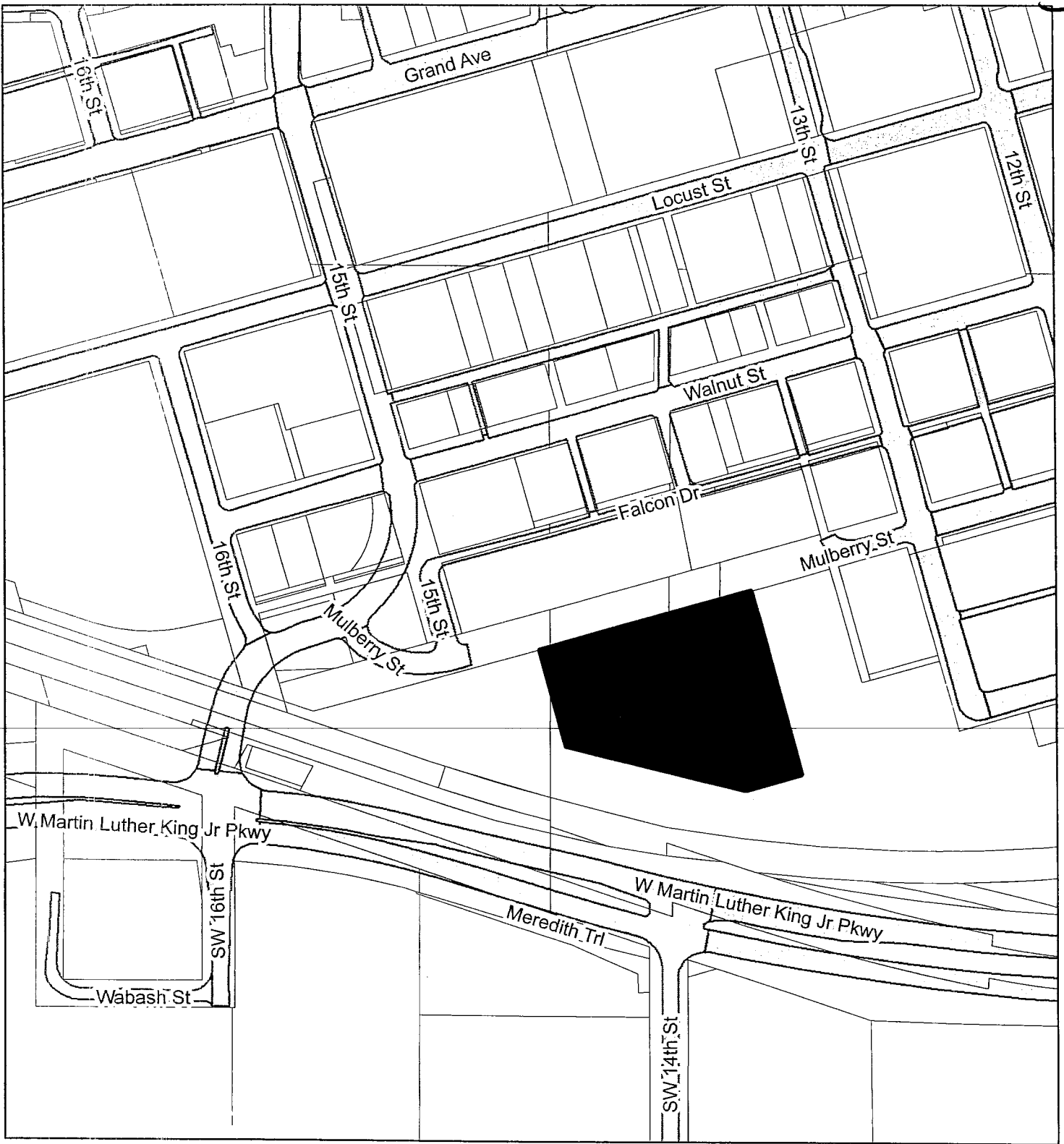
CERTIFICATE

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.

_____ Mayor

_____ City Clerk



Legend

 PROJECT LOCATION

**DISPOSITION-
CENTRAL IOWA
SHELTER AND SERVICES**

