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Date January 23, 2012

**HEARING ON SALE OF CITY-OWNED PROPERTY AT 801 UNIVERSITY AVENUE
(FORMER TOP VALUE GROCERY STORE)**

WHEREAS, the City owns property generally located at 801 University Avenue and such property has been formerly used as the Top Value grocery store and adjacent parking lot; and

WHEREAS, Des Moines Area Community College (DMACC) and CDT Investment, L.L.C., have offered to purchase such excess property for the purchase price of \$1,200,000.00 for a workforce center operated by DMACC and proposed retail development; and

WHEREAS, the proceeds from the sale of the property will be used by the City to repay the HUD Section 108 Loan for the original grocery store development; and

WHEREAS, on January 9, 2012, by Roll Call No. 12-0033, it was duly resolved by the City Council that the proposed sale and conveyance of such property to DMACC and CDT Investment, L.L.C., be set down for hearing on January 23, 2012, at 5:00 p.m., in the Council chamber at City Hall; and

WHEREAS, due notice of the 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 interested 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.

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 interest of the City.

3. That the Agreement for the Sale of Real Estate between the City of Des Moines and Des Moines Area Community College and CDT Investment, L.L.C. for the sale of the City-owned property at 801 University Avenue, more specifically described as follows, for a purchase price of \$1,200,000.00, is hereby approved:

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Platted Lots:

All of Lots 38 through 43, Lots 50 through 55, Lots 84 through 89, and the North 20.0 feet of Lots 44, 49 and 90, in North Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

West Half of 7th Street right-of-way

The West 1/2 of the following described portion of 7th Street right-of-way:
All that part of 7th Street right-of-way lying East of and adjoining Lots 84, 85, 86, 87, 88, 89, and lying East of and adjoining the North 20.0 feet of Lot 90, all within North Park, an Official Plat, being more particularly described as follows:
Beginning at the Northeast corner of said Lot 85; thence North 00° (Degrees) 24' (Minutes) 29" (Seconds) West along the East line of said Lot 84, a distance of 50.0 feet of the Northeast corner of said Lot 84; thence South 45° 15' 55" East a distance of 70.89 feet to the Northwest corner of Lot 8, Grand Park, an Official Plat; thence South 00° 24' 29" East along the West lines of Lots 8, 7, 6, 5, 4, and part of Lot 3, in said Grand Park a distance of 265.5 feet to a point 15.5 feet South of the Northwest corner of said Lot 3; thence South 84° 51' 15" West a distance of 50.17 feet to a point being on the East lot line and 20.0 feet South of the Northeast corner of Lot 90, in said North Park; thence North 00° 24' 29" West along the East lines of Lots 90, 89, 88, 87, 86, and 85, in said North Park, a distance of 269.89 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Containing 14,623 square feet more or less.

North/South Alley right-of-way between 7th and 8th Streets

All of 14.0 foot North/South alley right-of-way lying East of and adjoining Lots 55, 54, 53, 52, 51, 50 and lying East of and adjoining the North 20.0 feet of Lot 49, in North Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Containing 0.0914 acres more or less.

8th Street right-of-way

All that part of 8th Street right-of-way lying East of and adjoining Lots 38, 39, 40, 41, 42, 43 and the North 20.0 feet of Lot 44, North Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Containing 0.366 acres more or less.

4. The Mayor is hereby authorized and directed to sign the Agreement for the Sale of Real Estate, the Special Warranty Deeds for conveyance of respective portions of the property to Des Moines Area Community College and CDT Investment, L.L.C., the Declaration of Covenants and, as appropriate, a Declaration of Horizontal Property Regime in accordance with the terms of the Agreement for the Sale of Real Estate, and the City Clerk is authorized and directed to attest to the Mayor's signature.

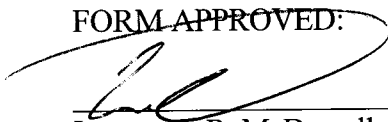
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5. Upon execution of the Agreement for the Sale of Real Estate, the Deeds, the Declaration of Covenants and, as appropriate, the Declaration of Horizontal Property Regime, the City Clerk is directed to forward the executed documents, a certified copy 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 closing in accordance with the terms of the Agreement for the Sale of Real Estate.

6. That the Real Estate Division is authorized and directed to file all related documents required at closing in accordance with the terms of the Agreement for the Sale of Real Estate and the City Manager or his designees are hereby directed to administer the terms of the Agreement for the Sale of Real Estate on behalf of the City and monitor compliance by Des Moines Area Community College and CDT Investment, L.L.C. with the terms of the Agreement for the Sale of Real Estate.

Moved by _____ to adopt.

FORM APPROVED:



Lawrence R. McDowell
Deputy City Attorney

(Council Communication No. **12-035**)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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