

Date February 25, 2013

**RESOLUTION DISMISSING PUBLIC HEARING FOR CONVEYANCE OF
CITY-OWNED REAL ESTATE AT INDIANOLA AVENUE AND DUNHAM AVENUE TO
NEIGHBORHOOD DEVELOPMENT CORPORATION (NDC) FOR \$198,000**

WHEREAS, the City of Des Moines owns excess real property located at Indianola Avenue and Dunham Avenue (Polk County District/Parcel Nos. 020/02599-001-000, 020/02600-003-000, 020/02599-002-000 and 020/02600-005-000)(herein "City parcels") and legally described as follows:

ALL OF THE 16.5 FOOT WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 7, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND ALL OF LOTS 1 THRU 4, BLOCK 7, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND A PART OF VACATED GRANGER AVENUE RIGHT OF WAY; AND A PART OF LOTS 5 THRU 8, BLOCK 7, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 7; THENCE SOUTH 71°(DEGREES) 58'(MINUTES) 50"(SECONDS) EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 131.09 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 19°23'34" EAST, 37.87 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF INDIANOLA AVENUE, AS PRESENTLY ESTABLISHED; THENCE SOUTH 15°21'19" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 259.63 FEET TO A POINT ON THE EASTERLY LINE OF SAID BLOCK 7; THENCE SOUTH 19°16'41" WEST ALONG SAID EASTERLY LINE, 57.85 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 55.00 FEET, WHOSE ARC LENGTH IS 57.69 FEET, WHOSE CHORD BEARS SOUTH 78°05'27" WEST, 55.08 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DUNHAM AVENUE, AS PRESENTLY ESTABLISHED; THENCE NORTH 71°52'39" WEST ALONG SAID NORTHERLY RIGHT OF WAY, 232.60 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 7; THENCE NORTH 19°29'36" EAST ALONG THE WESTERLY LINE OF SAID BLOCK 7, A DISTANCE OF 263.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.45 ACRES (62965 S.F.);

and

WHEREAS, on January 28, 2013, by Roll Call No. 13-0115, the Des Moines City Council approved the application of Neighborhood Development Corporation (NDC) to the Iowa Economic Development Authority (IEDA) for Enterprise Zone Benefits for the construction of 49 housing units upon the City parcels at Indianola Avenue and Dunham Avenue in the River South Enterprise Zone, involving a total investment of approximately \$6,438,335; and

WHEREAS, NDC had offered to the City of Des Moines the purchase price of \$198,000 for the purchase of the City parcels to be used for the above-described housing redevelopment, which purchase price reflects the fair market value of the property as currently appraised and without taking into consideration the environmental remediation necessary to redevelop the parcels; and

★ **Roll Call Number**

Agenda Item Number

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Date February 25, 2013

WHEREAS, on February 11, 2013, by Roll Call No. 13-0203, the proposal to sell the City parcels to NDC for \$198,000, subject to certain terms and conditions as set forth in said Roll Call, was duly resolved by the City Council, and it was further resolved that the proposed conveyance of the City parcels be set down for hearing on February 25, 2013, at 5:00 p.m., in the Council Chamber; and

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

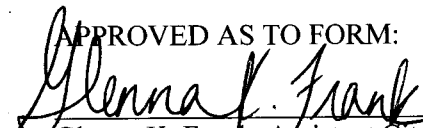
WHEREAS, on February 20, 2013, by Roll Call No. 13-0267, the City Council designated priority developments and approved the submittal of two applications for multi-family housing projects to the Iowa Economic Development Authority for CDBG-DR Round V funding, which approval did not include selection of the above-described NDC housing redevelopment project proposed for the City parcels; and

WHEREAS, NDC has withdrawn its current offer to purchase the City parcels and has requested additional time to renegotiate or obtain funding for purchase and redevelopment of the City parcels due to the February 20th Council action.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts and because there is no agreement to be approved or denied, Council hereby dismisses the public hearing for conveyance of excess real property located at Indianola Avenue and Dunham Avenue, Des Moines (Polk County District/Parcel Nos. 020/02599-001-000, 020/02600-003-000, 020/02599-002-000 and 020/02600-005-000).

Moved by _____ to adopt

APPROVED AS TO FORM:


 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
GRIESS				
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