

Date June 24, 2013

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**HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED
IN THE VICINITY OF U.S. HIGHWAY 65 AND THE SKUNK RIVER TO THE
POLK COUNTY CONSERVATION BOARD FOR \$75,000**

WHEREAS, on February 16, 1998, by Roll Call No. 98-416, the City Council approved acquisition of real property located in the vicinity of U.S. Highway 65 and the Skunk River, as more fully described below, for wetland mitigation purposes for the Airport Runway 5/23 Project; and

WHEREAS, it has been determined that this property is no longer needed by the City or by the Des Moines Airport Authority for wetland mitigation purposes; and

WHEREAS, Polk County, Iowa, acting through the Polk County Conservation Board, has offered to purchase the property described below from the City of Des Moines for the purchase price of \$75,000 in accordance with Iowa Code section 364.7; and

WHEREAS, there is no known current or future City or Des Moines Airport Authority need for the property proposed to be sold and the City will not be inconvenienced by the sale of the property.

WHEREAS, on June 10, 2013, by Roll Call No. 13-0892, it was duly resolved by the City Council that the proposed conveyance of excess real property located in the vicinity of U.S. Highway 65 and the Skunk River, be set down for hearing on June 24, 2013, at 5:00 p.m., in the City Council Chambers; and

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

WHEREAS, in accordance with City Council direction, those interested in this 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:

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.

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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 property located in the vicinity of U.S. Highway 65 and the Skunk River, more specifically described as follows:

PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 11, TOWNSHIP 80 NORTH, RANGE 22 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST ¼ CORNER OF SECTION 10, TOWNSHIP 80 NORTH, RANGE 22 WEST OF THE 5TH P.M., SAID POINT ALSO BEING THE WEST ¼ CORNER OF SAID SECTION 11, THENCE SOUTH 89°59'36" EAST ALONG THE NORTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 11, 40.25 FEET; THENCE SOUTH 42°37'02" EAST, 687.10 FEET; THENCE SOUTH 25°16'29" EAST, 776.34 FEET; THENCE SOUTH 43°18'14" WEST, 158.73 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 11; THENCE NORTH 89°59'17" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 11, 738.28 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST ¼ OF SOUTHWEST ¼ OF SECTION 11; THENCE NORTH 0°26'30" EAST ALONG THE WEST LINE OF SAID NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 11, 1,323.06 FEET TO THE POINT OF BEGINNING, ALL BEING IN AND FORMING A PART OF POLK COUNTY, IOWA, CONTAINING 16.214 ACRES, MORE OR LESS.

3. That the sale and conveyance of such property to Polk County, Iowa, acting through the Polk County Conservation Board for \$75,000 together with payment by such grantee of the estimated publication and recording costs for this transaction, all in accordance with Iowa Code section 364.7(3) for transfer of property to a governmental body for a public purpose, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon proof of payment of the consideration plus \$113 for publication and recording costs, the City Clerk is authorized and directed to forward the original of this 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 said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.

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

(Council Communication No. 13-324)

Moved by _____ to adopt.

APPROVED AS TO FORM:


David A. Ferree, Assistant City Attorney

PSN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
KIERNAN				
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