

Date July 28, 2014

CONTINUED HEARING FOR SALE OF CITY-OWNED PROPERTY IN THE VICINITY OF SE 6TH STREET AND SHAW STREET TO HANSEN REAL ESTATE SERVICES, INC. FOR \$251,350

WHEREAS, Hansen Real Estate Services, Inc., on behalf of its successor entity Eagle View Lofts, LLC, is proposing development of up to 132 market-rate and/or mixed income dwelling units within one or more structures on City-owned and Des Metropolitan Wastewater Reclamation Authority (WRA)-owned real property located north of the Des Moines River, west of SE 6th Street and south of Shaw Street in downtown Des Moines; and

WHEREAS, the requested City-owned property includes a portion of the property vacated by Ordinance No. 15,285, approved on May 19, 2014 by Roll Call No. 14-0788, excluding the area thereof dedicated as parkland for relocation of Allen Park, and said property is not anticipated to be needed by the City for any other current or planned public improvements; and

WHEREAS, on May 19, 2014, by Roll Call No. 14-0759, City Council received and filed the communication from Hansen Real Estate Services, Inc. regarding the above-referenced development proposal and requested that the proposed sale of said City-owned property be referred to the City Manager to coordinate appraisal services and negotiations for the sale and redevelopment of this area, to obtain Urban Design Review Board review and WRA input; and

WHEREAS, on July 15, 2014, by Resolution No. 14-95, the WRA Board approved the sale of the WRA-owned property to Hansen Real Estate Services, Inc. or its successor entity Eagle View Lofts LLC, with closing subject to the buyer's determination of project financing, rezoning of the property as required for the proposed development, and closing by the buyer on the sale of the City-owned property; and

WHEREAS, on July 28, 2014, by Roll Call No. _____, the City Council received the recommendation from the City's Plan and Zoning Commission that said City-owned and WRA-owned property be rezoned from "R1-60" One-Family Low-Density District and "M-1" Light Industrial District to "D-R" Downtown Riverfront District to allow the subject property to be developed as proposed; and

WHEREAS, Hansen Real Estate Services, Inc., on behalf of itself and its successor entity Eagle View Lofts LLC, has offered to the City of Des Moines the purchase price of \$251,350 (76,166 square feet at \$3.30 per square foot) for the purchase of a portion of City-owned property located north of the Des Moines River, west of SE 6th Street and south of Shaw Street in downtown Des Moines, which price reflects the fair market value of said property as determined by an independent appraisal, with closing subject to the buyer's determination of project financing, rezoning of the property as required for the proposed development, and closing by the buyer on the sale of the adjoining property from the WRA; and

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

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WHEREAS, on June 23, 2014, by Roll Call No. 14-0950, it was duly resolved by the City Council that the proposed conveyance of said City-owned property be set down for hearing on July 14, 2014, at 5:00 p.m., in the City Council Chambers; and

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

WHEREAS, on July 14, 2014, by Roll Call No. 14-1100, the hearing on said proposal was continued to July 28, 2014 to allow for completion of the property survey and determination of the final legal description and total purchase price; 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, any and all objections to said proposed conveyance of the City-owned property in the vicinity of SE 6th Street and Shaw Street, as legally described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the property described below and the public would not be inconvenienced by reason of the conveyance of the City-owned real property located north of the Des Moines River, west of SE 6th Street and south of Shaw Street in downtown Des Moines, and legally described as follows, to Hansen Real Estate Services Inc. or its successor entity Eagle View Lofts LLC, for \$251,350, with closing subject to the buyer's determination of project financing, rezoning of the property as required for the proposed development, and closing by the buyer on the sale of the adjoining property from the WRA, and said sale and conveyance is hereby approved:

ALL OF LOTS 9 AND 10, BLOCK 57, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 16,767 SQUARE FEET

AND

ALL OF LOT 1, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 8,378 SQUARE FEET

AND

THE SOUTH HALF (1/2) OF LOT 5, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 3,890 SQUARE FEET

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AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 5,030 SQUARE FEET

AND

ALL THAT PART OF THE VACATED SOUTHEAST 5TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 1, 2 AND 3, BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APROXIMATELY 13,413 SQUARE FEET.

AND

PARCEL 'A' – LEGAL DESCRIPTION

A PART OF VACATED SE 5TH STREET WEST OF BLOCK 58, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 57, TOWN OF DE MOINE; THENCE NORTH 74°59'06" EAST, 80.00 FEET TO THE NORTHWEST CORNER OF LOT 4, BLOCK 58 AND THE WEST LINE OF BLOCK 58; THENCE SOUTH 14°50'01" EAST ALONG SAID WEST LINE, 112.00 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 58; THENCE SOUTH 74°59'11" WEST, 49.82 FEET; THENCE NORTH 65°18'12" WEST, 39.13 FEET TO THE EAST LINE OF BLOCK 57; THENCE NORTH 14°50'01" WEST ALONG SAID EAST LINE, 87.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8,583 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

AND

PARCEL 'B' – LEGAL DESCRIPTION

A PART OF THE VACATED NORTH/SOUTH ALLEY IN BLOCK 57, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 57, TOWN OF DE MOINE; THENCE NORTH 14°50'01" WEST ALONG THE EAST LINE OF LOTS 1 AND 2, BLOCK 57, A DISTANCE OF 112.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 74°56'45" EAST, 18.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 57; THENCE SOUTH 14°50'01" EAST ALONG THE WEST LINE OF LOTS 8, 9 AND 10, A DISTANCE OF 130.64 FEET; THENCE NORTH 58°56'22" WEST, 25.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,184 SQUARE

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FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

AND

PARCEL 'C' – LEGAL DESCRIPTION

A PART OF LOT 1 AND LOT 2, BLOCK 57, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 14°50'01" EAST ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2, A DISTANCE OF 112.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 57°20'31" WEST, 151.40 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE NORTH 74°56'45" EAST ALONG SAID NORTH LINE, 102.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,729 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

AND

PARCEL 'D' – LEGAL DESCRIPTION

A PART OF VACATED SHAW STREET SOUTH OF BLOCK 56, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 57, TOWN OF DE MOINE; THENCE SOUTH 74°56'45" WEST ALONG THE NORTH LINE OF SAID BLOCK 57, A DISTANCE OF 120.30 FEET; THENCE NORTH 57°20'31" WEST, 71.15 FEET; THENCE NORTH 14°41'48" WEST 27.36 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 56 AND THE SOUTH LINE OF BLOCK 56; THENCE NORTH 74°56'45" EAST ALONG SAID SOUTH LINE, 168.00 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 56; THENCE SOUTH 15°03'26" EAST, 80.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 12,192 SQUARE FEET. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

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

4. Upon occurrence of the closing conditions set forth above and proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk 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 Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded following closing.

5. In accordance with the terms set forth in the Offer to Purchase, the Real Estate Division Manager is authorized and directed to close on the sale and forward the original of the Deed, together with a certified copy

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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 following closing.

6. 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 grantee.

7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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(Council Communication No. 14-366)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

 Glenna K. Frank, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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