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Date March 23, 2015

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY
LOCATED AT 1712 8TH STREET TO CASELLI HOLDINGS, INC. FOR \$4,500**

WHEREAS, on December 9, 2013, by Roll Call No. 13-1960, the City Council authorized acquisition of real property locally known as 1712 8th Street ("Property") through donation from Half Moon Holdings, L.C., for the purpose of in-fill housing development, which property is legally described below; and

WHEREAS, the Property is a vacant lot surrounded by properties owned by the River Bend Neighborhood Association, including a lot improved with a single-family dwelling to the north and three vacant lots to the south; and

WHEREAS, City staff has worked with the River Bend Neighborhood Association to find an appropriate developer and development for the Property; and

WHEREAS, Caselli Holdings, Inc. has offered to purchase the improved lot and three vacant lots from the River Bend Neighborhood Association, as well as to purchase the Property from the City, in order to rehabilitate the existing single family dwelling and construct single-family dwelling units upon the remaining lots; and

WHEREAS, Caselli Holdings, Inc. has offered to the City of Des Moines the purchase price of \$4,500 for the purchase of the Property, more specifically described below, which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division; and

WHEREAS, Caselli Holdings, Inc. has negotiated the Offer to Purchase Real Estate from the City of Des Moines and Acceptance ("Offer") on file in the office of the City Clerk, which includes, among other terms, that the sale of the Property shall be subject to Iowa Finance Authority review and funding approval and closing subject to completion of any required environmental review(s); 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 the Property; and

WHEREAS, on, March 9, 2015, by Roll Call No. 15-0383, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on March 23, 2015, at 5:00 p.m., in the City Council Chambers; and

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

Date March 23, 2015

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 the City-owned property locally known as 1712 8th Street are hereby overruled and the hearing is closed.
2. There is no public need for the real property described below, and the public would not be inconvenienced by reason of the conveyance of said property locally known as 1712 8th Street, and legally described as follows:

LOT 5 AND THE SOUTH ½ OF LOT 4, BLOCK 14, POLK COUNTY HOMESTEAD & TRUST CO ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the sale and conveyance of such property to Caselli Holdings, Inc. for \$4,500, together with payment by such grantee of the estimated publication and recording costs for this transaction, and subject to Iowa Finance Authority review and funding approval with closing subject to completion of any required environmental review(s), be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and 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 \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Offer to Purchase 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 said documents to be recorded upon closing.
6. The City Manager and/or his designee is hereby authorized and directed to administer and monitor the Offer to Purchase; to approve and execute documents pertaining to any minor or unsubstantial changes to said Offer, and, if needed, to approve, proceed with and execute documents pertaining to termination of the Offer if Caselli Holdings, Inc. fails to fulfill the contract terms required, following approval of the City Legal Department.

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7. Upon fulfillment of the contract terms, 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 upon closing.

8. 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.

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

(Council Communication No. 15-156)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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