

Date October 12, 2015

**SET HEARING FOR THE PROPOSED PURCHASE OF CITY-OWNED PROPERTY AT  
849 ARMY POST ROAD BY HURD LAND COMPANY, LLC PURSUANT TO  
DEVELOPMENT AGREEMENT FOR COMMERCIAL REDEVELOPMENT**

**WHEREAS**, on July 15, 2013, by Roll Call No. 13-1158, the City Council approved a Real Estate Property Exchange and Grant Agreement with Clear Channel Outdoor, Inc., and authorized the City's acquisition of property locally known as 849 Army Post Road ("Property"); and

**WHEREAS**, on August 10, 2015, by Roll Call No. 15-1353, the City Council received and filed Council Communication No. 15-450 from the City Manager regarding the purchase and commercial redevelopment of the Property as assembled with 6305 SW 9<sup>th</sup> Street and 812 Lally Street, and directed the City Manager to negotiate preliminary terms of development agreement with Hurd Land Company, LLC ("Developer") for such redevelopment, and further directed that any proceeds from the proposed sale be placed into an account established for SW 9<sup>th</sup> Street Revitalization; and

**WHEREAS**, City staff are negotiating a final development agreement with Developer, which agreement will include sale of the Property to Developer for commercial redevelopment for the purchase price of \$260,000.00, which price reflects fair market value as based on independent appraisal obtained by the City, and will further include an \$40,000.00 economic development grant from City to Developer, to be paid at closing on the Property, in exchange for Developer's assemblage and commercial redevelopment of the Property and which will be required to be repaid in the event that Developer fails to comply with the agreement; and

**WHEREAS**, there is no current or future City need or benefit for the Property to be sold, the City will not be inconvenienced by the sale of the Property, and City staff recommends approval of the sale as in the best interests of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City of Des Moines, Iowa proposes to sell the City-owned real property locally known as 849 Army Post Road ("Property"), to Hurd Land Company, LLC for the purchase price of \$260,000.00, which property is legally described as follows, subject to the terms to be included in the Development Agreement:

AN IRREGULAR SHAPED PORTION OF LOT 12 IN BLOCK I AND A PORTION OF THE INTER-URBAN RIGHT-OF-WAY IN THE CORRECTED PLAT OF THOMAS HEIGHTS, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 00°(DEGREES) 12'(MINUTES) 04"(SECONDS EAST (BEARING ESTABLISHED ON THE RETRACEMENT SURVEY AS SHOWN IN BOOK 10327 AT PAGE 241) ALONG THE EAST LINE OF SAID LOT 12 AND ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 12, A DISTANCE OF 91.50 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 88°06'51" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 143.06 FEET; THENCE NORTH 89°40'46" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 103.62 FEET; THENCE NORTH 77°59'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.53 FEET; THENCE NORTH 43°37'11" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A

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DISTANCE OF 29.10 FEET; THENCE NORTH 11°54'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 15.34 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SW. 9th STREET AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 00°07'06" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 56.99 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 12, SAID POINT BEING 7.00 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 89°39'36" EAST ALONG THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 289.73 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

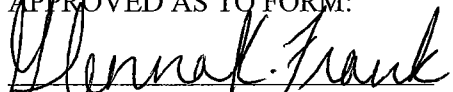
SAID TRACT OF LAND CONTAINS 27,294 SQUARE FEET OR 0.63 ACRES.

2. A public hearing is hereby set for October 26, 2015, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. City staff are directed to finalize and submit the Development Agreement with Hurd Land Company, LLC to City Council for consideration concurrently with the hearing on the proposed sale as described herein.

(Council Comm. No. 15541)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
Glenna K. Frank, Assistant City Attorney

**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.

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

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk