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Date March 20, 2017

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY AT 3807 50<sup>TH</sup> STREET TO MATTHEW NOLAN FOR \$107,000.00**

**WHEREAS**, on September 12, 2016, the City Council of the City of Des Moines authorized the City staff recommended voluntary acquisition of the real property located at 3807 50<sup>th</sup> Street, Des Moines, Iowa for the 2016 Sewer Repair – Contract 1 Project in order to enact the replacement of a storm sewer, remove a garage structure, and to establish a revised permanent easement across the property that prohibits the construction of any structures and allows the City the right to maintain, repair and replace the sewer in the future; and

**WHEREAS**, the storm sewer replacement work has been completed, the permanent easement across the property has been filed of record, and the City no longer has any use for the property; and

**WHEREAS**, Matthew Nolan (“Buyer”), has offered to the City of Des Moines the purchase price of \$107,000.00 for the purchase of the City-owned property located at 3807 50<sup>th</sup> Street, Des Moines, Iowa for continued use as a single family residence, subject to the City paying \$2,000 toward the Buyer’s closing costs, pre-pays and/or escrow payments, reservation of a Permanent Easement for Storm Sewer and Surface Water Flowage, a reservation of easements therein, and all other terms and provisions contained in the Offer to Purchase, which price reflects the fair market value of the Property based on an independent appraisal; 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 said Property; and

**WHEREAS**, on March 6, 2017, by Roll Call No. 17-0367, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on March 20, 2017, 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

**WHEREAS**, in accordance with City Council direction, those interested in the 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:

★ **Roll Call Number**

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**Date** March 20, 2017 .....

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the City-owned property located at 3807 50<sup>th</sup> Street, Des Moines, Iowa, as legally described below, are hereby overruled and the hearing is closed.

2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the real property located at 3807 50<sup>th</sup> Street, Des Moines, Iowa, as legally described below, to the grantee and for the consideration identified below, subject to the City paying \$2,000 toward the Buyer's closing costs, pre-pays and/or escrow payments, reservation of a Permanent Easement for Storm Sewer and Surface Water Flowage, a reservation of easements therein, and all other terms and provisions contained in the Offer to Purchase, and said conveyance is hereby approved:

To: Matthew Nolan

For: \$107,000.00

Legal Description: THE WEST 116 FEET OF LOT 7 IN SENGA PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The Mayor is authorized and directed to sign the Offer to Purchase, 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 proof of payment of the consideration, the City Clerk is authorized and directed to forward the originals of the Quit Claim 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.

5. The Real Estate Division Manager is authorized and directed to forward the originals of the Quit Claim 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.

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. The proceeds from the sale of this property shall be deposited into the following account: 2016-17 CIP, Page Storm Water Improvements – 4, City-wide Storm Water Utility Projects, SM057.

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(Council Communication No. 17- 296 )

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

APPROVED AS TO FORM:

*[Signature]*  
Lisa A. Wieland  
Assistant City Attorney

*[Signature]*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

**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.

\_\_\_\_\_  
Mayor

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