

Date August 28, 2017

HOLD HEARING FOR APPROVAL OF DOCUMENTS AND CONVEYANCE OF EXCESS CITY PROPERTY LOCATED SOUTH OF AND ADJOINING WEST MARTIN LUTHER KING, JR. PARKWAY AND WEST OF AND ADJOINING SOUTHWEST 11TH STREET TO HRC NFS I, LLC FOR \$970,000.00

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain real estate consisting of excess City property located south of and adjoining West Martin Luther King, Jr. Parkway and west of and adjoining Southwest 11th Street ("Property"), more particularly described below; and

WHEREAS, HRC NFS I, LLC, 6900 Westown Parkway, West Des Moines, IA, 50266, has negotiated with Norfolk Southern Railway an option to purchase the vacant land adjoining the Property; and has offered the City of Des Moines the purchase price of \$970,000.00 for the purchase of said Property for a proposed commercial redevelopment project, contingent upon HRC NFS I, LLC providing City with proof of ownership of the adjoining property currently owned by Norfolk Southern Railway, and further subject to any and all easements, restrictions, and covenants of record on the Property, which price reflects the fair market value of said Property as determined by an independent appraisal; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property.

WHEREAS, on August 14, 2017, by Roll Call No. 17-1409, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on August 28, 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the vacant City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of excess City property located south of and adjoining West Martin Luther King, Jr. Parkway and west of and adjoining Southwest 11th Street, Des Moines, Iowa, as legally described, to the grantees, and for the consideration

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identified below, and said conveyance be and is hereby approved, contingent upon HRC NFS I, LLC providing City with proof of ownership of the adjoining property currently owned by Norfolk Southern Railway, and subject to a reservation of easements therein:

Grantee: HRC NFS I, LLC
Consideration: \$970,000.00
Legal Description:

DISPOSAL PARCEL 12, AS RECORDED ON AUGUST 1, 2008, IN BOOK 12736, PAGE 582, IN THE POLK COUNTY, IOWA RECORDERS OFFICE:

ALL THAT PART OF LOT 82, FACTORY ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 82, AND BEING THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF MARKET STREET; THENCE NORTH 84° (DEGREES) 37' (MINUTES) 24" (SECONDS) EAST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE NORTHERLY LINE OF SAID LOT 82, AND BEING THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF MARKET STREET, 199.41 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 82, AND BEING THE INTERSECTION OF THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF MARKET STREET AND THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 11TH STREET; THENCE SOUTH 15°30'24" EAST ALONG THE EASTERLY LINE OF SAID LOT 82, AND BEING THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 11TH STREET, 173.21 FEET; THENCE SOUTH 74°29'36" WEST, 100.00 FEET (MEASURED AND RECORD); THENCE SOUTH 15°30'24" EAST, 75.00 FEET (MEASURED AND RECORD); THENCE SOUTH 74°29'36" WEST, 174.05 FEET TO THE WESTERLY LINE OF SAID LOT 82; THENCE NORTH 00°09'31" WEST ALONG THE WESTERLY LINE OF SAID LOT 82, A DISTANCE OF 293.76 FEET TO THE POINT OF BEGINNING.

BY SURVEY CONTAINING 55,678 SQUARE FEET, OR 1.28 ACRES.

PROJECT PARCEL 69N, AS RECORDED ON JUNE 20, 2000, IN BOOK 8523, PAGE 38, IN THE POLK COUNTY, IOWA RECORDERS OFFICE:

ALL THAT PART OF LOT 81, FACTORY ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 81; THENCE SOUTH 15° (DEGREES) 30' (MINUTES) 24" (SECONDS) EAST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ON THE EASTERLY LINE OF SAID LOT 81 (ALSO BEING THE PRESENT WEST RIGHT-OF-WAY LINE OF S.W. 11TH STREET) A DISTANCE OF 123.77 FEET TO THE CORNER OF SAID LOT 81; THENCE SOUTH 38°23'23" WEST ON THE SOUTHEASTERLY LINE OF SAID LOT 81 A DISTANCE OF 96.65 FEET; THENCE SOUTH 80°31'12" WEST A DISTANCE OF 139.23 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 81; THENCE NORTHEASTERLY ON THE NORTHWESTERLY LINE OF SAID LOT 81 BEING A 786.82-FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY AND HAVING A 101.91-FOOT LONG CHORD BEARING NORTH 34°40'37" EAST A DISTANCE OF 101.98 FEET (ARC LENGTH); THENCE NORTH 38°23'23" EAST ON THE NORTHWESTERLY LINE OF SAID LOT 81 A DISTANCE OF 171.15 FEET TO THE POINT OF BEGINNING.

BY SURVEY CONTAINING 18,592 SQUARE FEET.

3. 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.
4. 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 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 document to be recorded.
5. Upon HRC NFS I, LLC providing City with proof of ownership of the adjoining property currently owned by Norfolk Southern Railway, the Real Estate Division Manager is authorized and directed to forward the original 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 the document to be recorded.
6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim 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: 2017-18 CIP, Street Improvements - 15, Fed Title-23 Land Sales, ST500.

★ Roll Call Number

Agenda Item Number

56

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(Council Communication No. 17- 622)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Weiland, Assistant City Attorney

psw

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