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Date April 23, 2018

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY
LOCATED AT 645 SOUTHEAST 26TH COURT AND AT 801 SE 28TH STREET TO
R. M. MADDEN CONSTRUCTION, INC. FOR \$4,000.00**

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain real estate locally known as 645 Southeast 26th Court and 801 Southeast 28th Street (together hereinafter “Property”), more particularly described below; and

WHEREAS, R. M. Madden Construction, Inc. has offered to the City of Des Moines, Iowa, the purchase price of \$4,000.00 for the purchase of said Property in order to construct new, affordable single-family homes on the Property, which price reflects the fair market value of said Property as determined by the City’s Real Estate Division; 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; and

WHEREAS, on April 9, 2018, by Roll Call No. 18-0568, 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 April 23, 2018, 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 certain City of Des Moines real estate located at the intersection of Southeast 26th Court and East Martin Luther King, Jr. Parkway, locally known as 645 Southeast 26th Court, Des Moines, Iowa, and certain real estate located at the intersection of Southeast 28th Street and Maury Street, locally known as 801 Southeast 28th Street, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, and said conveyance be and is hereby approved, subject to a reservation of easements therein:

Date April 23, 2018

Grantee: R. M. Madden Construction, Inc.

Consideration: \$4,000.00

Legal Description:

645 SE 26TH COURT (\$2,000.00):

ALL OF LOT 48, PART OF LOTS 2, 3, AND 49 THRU 51, AND PART OF THE VACATED NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 2 AND 3, ALL IN BLOCK 9, LARISON PLACE, 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 SOUTHWEST CORNER OF SAID LOT 48, THENCE NORTH 00°(DEGREES) 17'(MINUTES) 06"(SECONDS) WEST, 46.61 FEET ON THE WEST LINE OF SAID BLOCK 9 TO THE FUTURE RIGHT OF WAY LINE OF EAST ML KING JR PKWY; THENCE NORTH 89°42'54" EAST, 10.47 FEET ON SAID FUTURE RIGHT OF WAY LINE; THENCE NORTH 20°58'28" EAST, 40.76 FEET ON SAID FUTURE RIGHT OF WAY LINE; THENCE SOUTH 69°01'32" EAST, 114.00 FEET ON SAID FUTURE RIGHT OF WAY LINE TO THE WEST LINE OF SAID VACATED NORTH/SOUTH ALLEY; THENCE SOUTH 85°23'49" EAST, 14.05 FEET ON SAID FUTURE RIGHT OF WAY LINE TO THE EAST LINE OF SAID VACATED NORTH/SOUTH ALLEY; THENCE SOUTH 73°20'17" EAST, 110.89 FEET ON SAID FUTURE RIGHT OF WAY LINE; THENCE SOUTH 89°46'29" WEST, 113.08 FEET; THENCE SOUTH 00°17'09" EAST, 10.00 FEET; THENCE SOUTH 89°46'29" WEST, 138.49 FEET ON THE SOUTH LINE OF SAID LOT 48 AND IT'S EASTERLY EXTENSION THEREOF TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES (10,496 SQ FT) MORE OR LESS.

801 SE 28TH STREET (\$2,000.00):

-EXCEPT THE NORTH 5 FEET- LOT 1, AND ALL OF LOT 2, BLOCK 21 LARISON PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 7,194 SQUARE FEET MORE OR LESS;

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deeds 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 Deeds, 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. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deeds, 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.

★ **Roll Call Number**

Agenda Item Number

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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 Deeds and copies of the other documents to the grantee.

7. Proceeds from the sale of 645 Southeast 26th Court (\$2,000.00) will be deposited into the Fed Title 23 Land Sales Account, ST500.

8. Proceeds from the sale of 801 Southeast 28th Street (\$2,000.00) will be used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 18- 212)

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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