

Date September 13, 2021

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM RAUL CHAVEZ AND MARIA GUADALUPE ESTRADA FOR VOLUNTARY ACQUISITION OF PROPERTY LOCATED AT 4137 COLFAX AVENUE FOR THE LOWER FOURMILE CREEK GREENWAY PROJECT**

**WHEREAS**, on November 6, 2017, by Roll Call No. 17-1901, City Council approved the Lower Fourmile Creek Greenway Master Plan that was developed as a joint effort between the City of Des Moines, City of Pleasant Hill, Polk County, Polk County Conservation, Polk County Soil and Water Conservation District and the Fourmile Creek Watershed Management Authority; and

**WHEREAS**, Raul Chavez and Maria Guadalupe Estrada are the owners of 4137 Colfax Avenue located within the Lower Fourmile Creek Greenway Master Plan area and have offered to voluntarily sell their property to the City of Des Moines, Iowa (“City”) for the purchase price of \$215,000.00, which is equal to the fair market value of the property, as determined by the City’s Real Estate Division.

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

1. That the valuation listed and identified below as “Suggested Fair Market Value” is hereby established as the fair market value of the property listed herein.
2. That the documents conveying real property to the City of Des Moines, as on file in the office of the City Clerk and as recommended for approval and acceptance by City staff, be and are hereby approved and accepted as follows:

Property Owner: Raul Chavez and Maria Guadalupe Estrada  
Property Location: 4137 Colfax Avenue, Des Moines, Iowa 50317  
Document Type: Voluntary Offer to Purchase Real Estate and Acceptance;  
Warranty Deed  
Suggested Fair Market Value: \$215,000.00 (Plus Closing Costs)

3. That the Mayor is hereby authorized and directed to execute the Voluntary Offer to Purchase Real Estate and Acceptance and the Warranty Deed; and, following approval as to form by the City’s Legal Department, the Mayor and/or City Clerk, as applicable, are hereby authorized and directed to endorse upon any and all other related documents the approval and acceptance of this Council; and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.
4. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete the transaction in accordance with standard real estate practices.
5. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department’s review and approval of all closing documents prior to closing.

★ Roll Call Number

Agenda Item Number

12

Date September 13, 2021

(Council Communication No. 21- 379 )

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

pm

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| BOESEN         |      |      |          |        |
| GATTO          |      |      |          |        |
| GRAY           |      |      |          |        |
| MANDELBAUM     |      |      |          |        |
| VOSS           |      |      |          |        |
| WESTERGAARD    |      |      |          |        |
| TOTAL          |      |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |
|                |      |      | Mayor    |        |

I, P. Kay Cmelik, 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