

Date September 12, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF CITY-OWNED PROPERTY LOCALLY KNOWN AS GEOPARCEL NO. 7924-28-405-004 TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT

WHEREAS, the City of Des Moines is the owner of certain property located west of and adjoining Prospect Park and locally known as Geoparcels No. 7924-28-405-004, Des Moines, Iowa (“Property”); and

WHEREAS, on June 17, 2002 the City of Des Moines (“City”) and the Des Moines Independent Community School District (“District”) entered into a Lease Agreement for the Property; and

WHEREAS, said Lease Agreement expired on June 30, 2022 and it was subsequently suggested by the City of Des Moines Parks and Recreation Director that the portion of the Property being used by the District for employee parking be separated from the larger parcel and conveyed to the District, subject to a provision allowing public use of the Property outside of normal business hours; and

WHEREAS, the District has agreed to acquire the Property for no consideration in accordance with Iowa Code §364.7(3), subject to the terms conditions contained in the Offer to Purchase Real Estate From the City of Des Moines and Acceptance, including the following:

- (A) RESERVATION OF UTILITY EASEMENTS. The conveyance of this Property is subject to any and all easements, restrictions, and covenants of record on the Property.
- (B) COMBINING TAX PARCELS. The conveyance of this Property is subject to the District combining the Property with its adjoining property to create a single parcel for tax purposes.
- (C) PUBLIC PARKING. District agrees to provide to the City twenty (20) parking spaces along the east side of the Property for use by the public between the hours of 4:00 p.m. and 10:00 p.m. Monday through Friday, and 6:00 a.m. and 10:00 p.m. Saturday and Sunday.
- (D) REVERSIONARY INTEREST. The conveyance of this Property is further subject to a reversionary interest clause, which shall be included in the Quit Claim Deed to the Seller; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be conveyed, and the City will not be inconvenienced by the sale of said Property.

Date September 12, 2022

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey certain property located west of and adjoining Prospect Park and locally known as Geoparcels No. 7924-28-405-004, as legally described below, to the Des Moines Independent Community School District, and for no consideration in accordance with Iowa Code §364.7(3), subject to the terms and conditions contained in the Offer to Purchase Real Estate From the City of Des Moines and Acceptance:

PARCEL 2022-34

AN IRREGULAR SHAPED PORTION OF LOT 5, HARKIN'S PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N00°21'42"E ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 493.80 FEET TO THE SOUTH RIGHT OF WAY LINE OF PROSPECT ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE N82°40'56"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID PROSPECT ROAD, A DISTANCE OF 150.65 FEET; THENCE S07°12'30"E, A DISTANCE OF 518.06 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE N89°44'28"W ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 217.55 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 92,736 SQUARE FEET (2.13 ACRES).

2. A public hearing shall be held on October 3, 2022, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. September 29, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the October 3, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. There are no proceeds associated with this transaction.

 **Roll Call Number**

Agenda Item Number

30

Date September 12, 2022

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

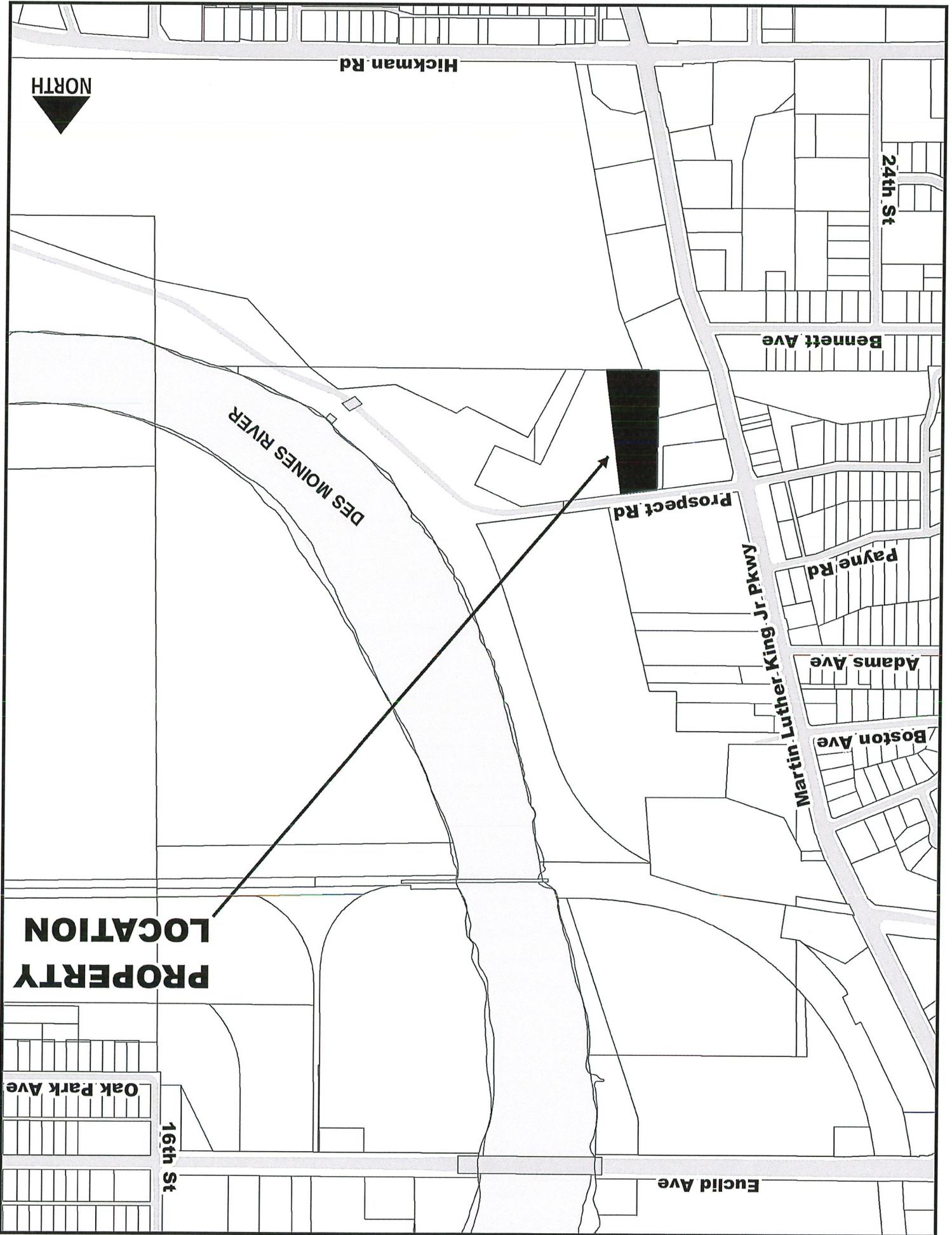
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, Laura Baumgartner, 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.

Laura Baumgartner, City Clerk



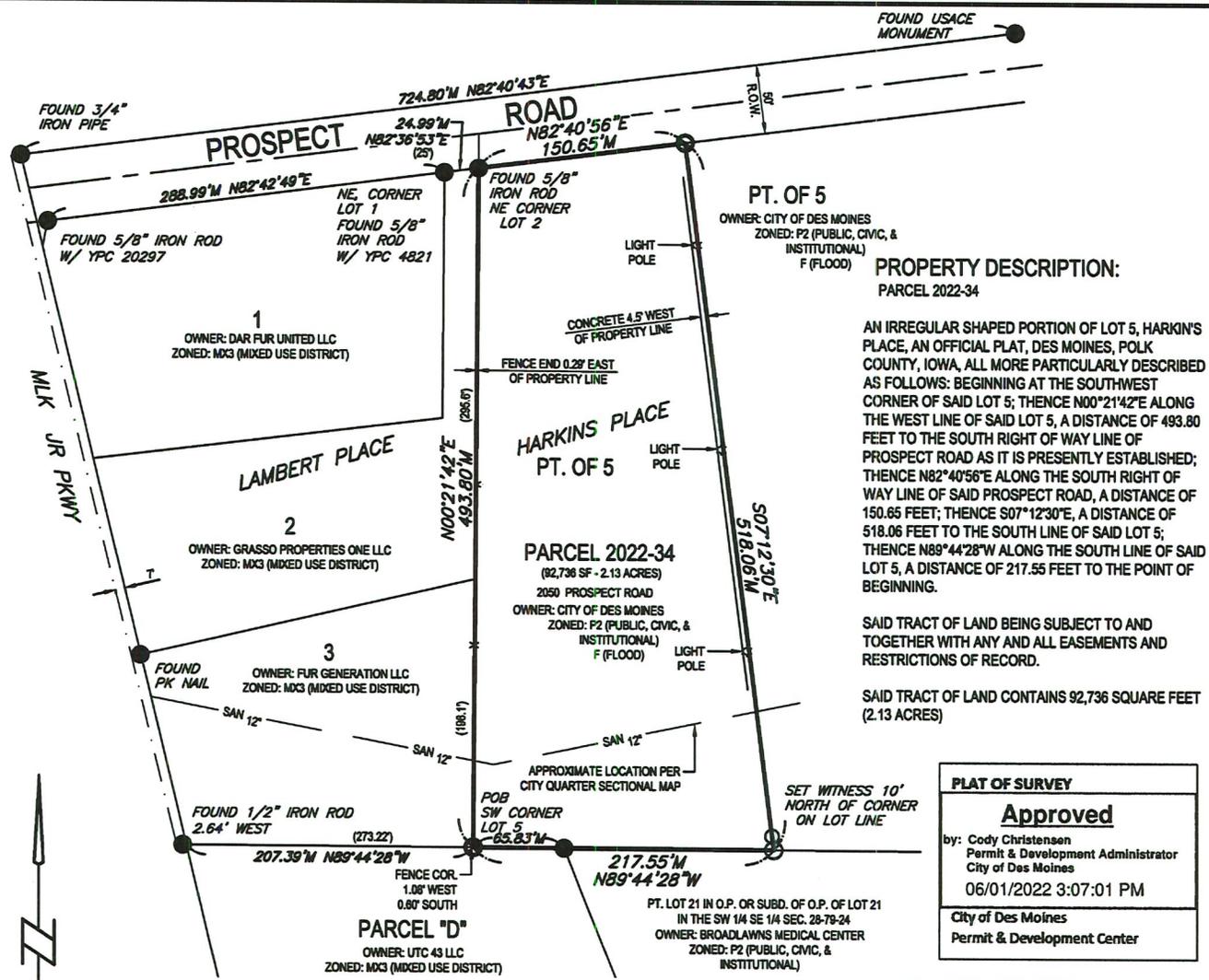
**PROPERTY
LOCATION**

Recorded: 6/2/2022 at 8:38:31.0 AM
 County Recording Fee: \$7.00
 Iowa E-Filing Fee: \$3.13
 Combined Fee: \$10.13
 Revenue Tax:
 Polk County, Iowa
 Julie M. Haggerty RECORDER
 Number: 202200044692
 BK: 19134 PG: 774

INDEX LEGEND
 Location: Lot 5, Harkins Place, Polk County, Iowa
 Owner: City of Des Moines Dwayne Myers (515) 238-4218
 Requestor: Des Moines Public Schools
 Dave Berger (515) 242-8338
 Surveyor: Larry D Hyler, PLS
 Company: Bishop Engineering, 3501 104th St.
 Urbandale, IA 50322 (Ph) 515-276-0467

LEGEND:
 ● PROPERTY CORNER - FOUND AS NOTED
 ○ PROPERTY CORNER - PLACED 3/4" IRON PIPE WITH YELLOW PLASTIC CAP ID # 14775 OR AS NOTED
 ⊕ SECTION CORNER - FOUND AS NOTED
 M MEASURED DISTANCE
 () PREVIOUSLY RECORDED
 ROW RIGHT OF WAY
 SF SQUARE FEET
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 YPC YELLOW PLASTIC CAP

NOTE:
 1. SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE OPINION. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
 2. BASIS OF BEARING OBTAINED FROM GPS OBSERVATIONS, DATUM = NAD 83, IOWA SOUTH
 3. CITY OWNED PROPERTY TO BE SOLD TO SCHOOL DISTRICT FOR THE USE OF THE PARKING LOT.
 4. CITY WILL RESERVE THE RIGHT TO USE THE EASTERN PARKING SPACES FOR THE PARK VISITORS.



PROPERTY DESCRIPTION:
 PARCEL 2022-34
 AN IRREGULAR SHAPED PORTION OF LOT 5, HARKIN'S PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N00°21'42"E ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 493.80 FEET TO THE SOUTH RIGHT OF WAY LINE OF PROSPECT ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE N82°40'56"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID PROSPECT ROAD, A DISTANCE OF 150.65 FEET; THENCE S07°12'30"E, A DISTANCE OF 518.06 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE N89°44'28"W ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 217.55 FEET TO THE POINT OF BEGINNING.

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

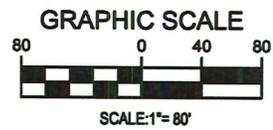
SAID TRACT OF LAND CONTAINS 92,736 SQUARE FEET (2.13 ACRES)

PLAT OF SURVEY
Approved
 by: Cody Christensen
 Permit & Development Administrator
 City of Des Moines
 06/01/2022 3:07:01 PM
 City of Des Moines
 Permit & Development Center

FIELD WORK COMPLETED ON: 2-25-2022



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
 SIGNED: *Larry D. Hyler* DATE: 6-1-2022
 LARRY D. HYLER, P.L.S., No. 14775
 LICENSE RENEWAL DATE: DEC. 31, 2022
 PAGES OR SHEETS COVERED BY THIS SEAL: 1 OF 1



Bishop Engineering
 "Planning Your Successful Development"
 3501 104th Street
 Des Moines, Iowa 50322-3925
 Phone: (515)276-0467 Fax: (515)276-0217
 Civil Engineering & Land Surveying Established 1989

PARCEL 2022-34
 PART LOT 5 HARKIN'S PLACE
PLAT OF SURVEY

REFERENCE NUMBER:
 87-81e
 96-86 large
 DRAWN BY:
 MH
 PROJECT NUMBER:
 220101
 SHEET NUMBER:
 1 OF 1