

Date March 6, 2023

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCALLY KNOWN AS 1439 AND 1445 MICHIGAN STREET TO TD & MD, L.L.C. FOR \$40,000

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate locally known as 1439 and 1445 Michigan Street, Des Moines, Iowa, (hereinafter collectively “Property”), more particularly described below; and

WHEREAS, TD & MD, L.L.C. has offered to the City of Des Moines, Iowa, the purchase price of \$40,000.00 for the purchase of said Property in order to redevelop the property with a commercial warehouse or redemption center business, which price reflects the fair market value 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 February 20, by Roll Call No. 23-0220, 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 March 6, 2020, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Property was given to all necessary parties 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 excess City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of certain real estate locally known as 1439 and 1445 Michigan 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:

Grantee: TD & MD, L.L.C.
Consideration: \$40,000.00

Date March 6, 2023

Legal Description: A TRACT OF LAND BEING A PART OF LOT 2, AND ALL OF LOTS 3 AND 4, BLOCK 7, CENTRAL PLACE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY IOWA. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 7, CENTRAL PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; THENCE N00°08'41"W, 137.59 FEET ALONG THE WEST LINE OF LOTS 4, 3 AND 2 OF SAID BLOCK 7, AND ALONG THE EAST RIGHT-OF-WAY LINE OF MICHIGAN STREET AS IT IS PRESENTLY ESTABLISHED; THENCE N55°02'39"E, 3.21 FEET; THENCE S89°15'03"E, 128.28 FEET; THENCE S58°58'37"E, 39.64 FEET; THENCE S88°06'46"E, 21.53 FEET; THENCE N50°36'42"E, 25.62 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°50'29"W, 84.81 FEET ALONG THE EAST LINE OF SAID LOTS 2 AND 3, TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE S06°17'06"W, 50.25 FEET ALONG THE EAST LINE OF SAID LOT 4, TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE N89°27'27"W, 199.10 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, AND TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.629 ACRES OR 27,385 S.F. MORE OR LESS;

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

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 documents to be recorded.
5. 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 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 Quit Claim Deed and copies of the other documents to the grantee.

 **Roll Call Number**

Agenda Item Number

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4. Proceeds from this sale will be deposited into the Economic Development Enterprise Fund, CM025033.

(Council Communication No. 23-126)

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno

Mackenzie L. Moreno, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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, Acting City Clerk

