

Date April 20, 2009

HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 2935 MAHASKA AVENUE TO LAB INVESTMENT COMPANY, INC. FOR \$10,101

WHEREAS, the City of Des Moines is the owner of excess property located at 2935 Mahaska Avenue, which property is legally described below; and

WHEREAS, the conveyance of 2935 Mahaska Avenue was solicited by a competitive disposition process to prospective developers for infill housing redevelopment; and

WHEREAS, LAB Investment Company, Inc. has offered to the City of Des Moines the purchase price of \$10,101 for the purchase of such City-owned property at 2935 Mahaska Avenue, more specifically described below, which price was the highest bid received; and

WHEREAS, on April 6, 2009, by Roll Call No. 09-541, it was duly resolved by the City Council that the proposed conveyance of real property located at 2935 Mahaska Avenue, be set down for hearing on April 20, 2009, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this public real 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 this 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, the objections to the proposed conveyance of this property as described below are hereby overruled and the hearing is closed.

2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this property located at 2935 Mahaska Avenue in Des Moines, more specifically described as follows:

All of Lots 5 and 6, Block 4, HYDE PARK, Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

3. That the sale and conveyance of such City-owned property as described above to LAB Investment Company, Inc. for \$10,101.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. 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.

DESCRIPTION REVIEWED

[Handwritten signature]
4/13/09 1:34

Date April 20, 2009

5. The City Clerk is authorized and directed to forward the original of this 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.
6. 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 these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.
8. The proceeds from the sale of this property shall be deposited in the following account:
2009/10 CIP, Storm Water Improvements, City-wide Storm Water Utility Projects, STE057, PWK990000, Page 4.

(Council Communication No. **09-247**)

Moved by *Mahaffey* to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

REW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

T. M. Franklin Mayor

Diane Rauh City Clerk