



Roll Call Number

09-971

Agenda Item Number

19

Date June 8, 2009

**RESOLUTION APPROVING SETTLEMENT OF REAL ESTATE CONTRACT AND
ACCEPTING REAL ESTATE DOCUMENTS FOR PROPERTY LYING SOUTH OF
AND ADJOINING 826 SE 21ST STREET FROM SEIDENFELD INCORPORATED**

WHEREAS, on May 22, 1989, by Roll Call No. 89-2166, the City Council of the City of Des Moines received an offer from Seidenfeld Incorporated, formerly known as Seidenfeld & Son Iron & Metal, Inc. ("Seidenfeld Inc.") for purchase of surplus City-owned property in the vicinity of E. 21st and Maury, and set a public hearing for June 5, 1989 on the proposal to enter into a real estate installment contract to sell said property to Seidenfeld Inc.; and

WHEREAS, on June 5, 1989, by Roll Call No. 89-2448, following duly published notice and public hearing, the City Council approved a Purchase Agreement for real estate installment contract between the City and Seidenfeld Inc. for purchase of approximately 9.23 acres of real property owned by the City located south of and adjoining 826 SE 21st Street; and

WHEREAS, subsequent to execution of the original Purchase Agreement, Seidenfeld Inc. fenced in a 2.857 acre tract of land within the real property under contract for use for business purposes, and thereafter the City and Seidenfeld Inc. made an agreement to allow the City to regain control and possession of the remaining unfenced 6.373 acres of the real property under contract, for use of said remaining property for municipal purposes; and

WHEREAS, Seidenfeld Inc. has previously paid \$43,542.42 in required contract payments, which fulfills the consideration required for purchase of the 2.857 acre fenced-in area; and

WHEREAS, Seidenfeld Inc. and City staff have negotiated a Settlement Agreement, which Agreement is on file in the office of the City Clerk, to resolve all conveyance and title issues surrounding the real property under contract in the original Purchase Agreement, and pursuant to said Settlement Agreement Seidenfeld Inc. has executed and provided to the City a Quit Claim Deed for the remaining 6.373 acres of real property used for municipal purposes, and the City shall execute and record a Quit Claim Deed conveying to Seidenfeld Inc. the fenced-in 2.857 acres for which Seidenfeld Inc. has paid consideration under the Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Settlement Agreement between Seidenfeld Inc. and the City of Des Moines is hereby approved and the Quit Claim Deed for the remaining 6.373 acres of real property from Seidenfeld Inc. is hereby accepted.

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BE IT FURTHER RESOLVED that the Mayor is authorized and directed to sign the Quit Claim Deed conveying the fenced-in 2.857 acres of real property to Seidenfeld Inc., and the City Clerk is authorized and directed to attest to his signature and to endorse upon the Quit Claim Deed for the remaining 6.373 acres of real property from Seidenfeld Inc. the approval and acceptance of this Council, and is further authorized and directed to deliver the aforementioned Deeds to the Real Estate Division Manager, who shall proceed to have said documents recorded.

(Council Communication No. 09- 358)

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

MOVED BY

Vlassis

TO ADOPT.

CSW

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

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh

City Clerk