

★ Roll Call Number  
10-637

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Date April 26, 2010

**HOLD HEARING FOR CONVEYANCE OF PERMANENT LANDSCAPE BUFFER EASEMENTS TO VARIOUS PROPERTY OWNERS THAT ADJOIN CITY-OWNED AIRPORT PROPERTY AT 3901 SOUTHWEST 42<sup>ND</sup> STREET FOR \$6,246**

**WHEREAS**, the City of Des Moines is in the process of selling excess City-owned property purchased for airport purposes at 3901 Southwest 42<sup>nd</sup> Street; and

**WHEREAS**, the City of Des Moines has offered to allow the adjoining property owners to purchase 30-foot or 50-foot landscape buffer easements on this property before it is sold; and

**WHEREAS**, all sales of City-owned airport property are subject to review and approval by the Federal Aviation Administration, and such approval has been granted for this proposed sale; and

**WHEREAS**, the adjoining property owners have offered to the City of Des Moines the purchase price listed below for the purchase of such Permanent Landscape Buffer Easements, more specifically described below, which price reflects the fair market value of the easements as currently estimated by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the property interests proposed to be sold and the City will not be inconvenienced by the sale of said easements; and

**WHEREAS**, on April 12, 2010, by Roll Call No. 10-503, it was duly resolved by the City Council that the proposed conveyance of permanent landscape buffer easements on City-owned airport property at 3901 Southwest 42<sup>nd</sup> Street be set down for hearing on April 26, 2010, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey permanent landscape buffer easements on City-owned airport 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 permanent landscape buffer easements on City-owned airport property at 3901 Southwest 42<sup>nd</sup> Street, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the property interests described below and the public would not be inconvenienced by reason of the conveyance of said easements to the grantees and for the consideration more specifically described as follows:

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To: Joe N. and Melissa Mauro for \$1,122

A part of the North 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. lying West and South of Southpark Plaza Plats 2 and 3, an Official Plat and lying North of Relocated McKinley Avenue, more particularly described as follows:

Being 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of said Section 19, lying South of and adjoining Lot 1, of said Southpark Plaza Plat 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Douglas D. Fitz and Margaret A. Schneider Fitz for \$1,176

A part of the North 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. lying West and South of Southpark Plaza Plats 2 and 3, an Official Plat and lying North of Relocated McKinley Avenue, more particularly described as follows:

Being 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of said Section 19, lying westerly and southerly of and adjoining Lot 2, of said Southpark Plaza Plat 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Eugene R. Cardamone and Mary R. Cardamone for \$1,055

A part of the North 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. lying West and South of Southpark Plaza Plats 2 and 3, an Official Plat and lying North of Relocated McKinley Avenue, more particularly described as follows:

Being 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of said Section 19, lying South of and adjoining Lot 3, and lying South of and adjoining the West 10.0 feet of Lot 4, of said Southpark Plaza Plat 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: Vince J. and Kay S. Ruggiero for \$766

A part of the North 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. lying West and South



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of Southpark Plaza Plats 2 and 3, an Official Plat and lying North of Relocated McKinley Avenue, more particularly described as follows:

Being 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of said Section 19, lying South of and adjoining Lot 7, of said Southpark Plaza Plat 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: D. Scott and Penelope A. Harrison for \$380

A part of the North 30.0 feet of the South 1/2 of the Fractional Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. lying West and South of Southpark Plaza Plats 2 and 3, an Official Plat and lying North of Relocated McKinley Avenue, more particularly described as follows:

Being 30.0 feet of the South 1/2 of the Fractional Northwest 1/4 of said Section 19, lying South of and adjoining Lot 8, of said Southpark Plaza Plat 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: James T. and Jennifer Cataldo for \$766

A part of the North 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. lying West and South of Southpark Plaza Plats 2 and 3, an Official Plat and lying North of Relocated McKinley Avenue, more particularly described as follows:

Being 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of said Section 19, lying South of and adjoining Lot 10, of said Southpark Plaza Plat 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To: CHS Properties, L.L.C. for \$981

A part of the North 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of Section 19, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. lying West and South of Southpark Plaza Plats 2 and 3, an Official Plat and lying North of Relocated McKinley Avenue, more particularly described as follows:

Being 50.0 feet of the South 1/2 of the Fractional Northwest 1/4 of said Section 19, lying South of and adjoining Lot 12, of said Southpark Plaza Plat 3, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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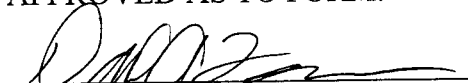
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3. That the sale and conveyance of such easements to the buyers for the consideration described above, together with payment by such grantees of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offers to Purchase and Permanent Landscape Buffer Easements and for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the originals of these Easements, 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 originals of the Easements, 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 originals of the Easements and copies of the other documents to the grantees.
8. The proceeds from the sale of this property will be deposited into the following account: 2010-11 Operating Budget, Page 25, Airport Operations, EN002.

(Council Communication No. 10-221)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

  
 David A. Ferree  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

 City Clerk