

★ Roll Call Number

10-844

Agenda Item Number

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Date May 24, 2010

**CONTINUED HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY
ADJOINING 3211 DELAWARE AVENUE TO DSDM, LLC FOR \$14,880**

WHEREAS, the City of Des Moines owns excess real property located east of 3211 Delaware Avenue ("Property"), more particularly described below; and

WHEREAS, DSDM, LLC is the owner of property abutting said City-owned Property, and has offered to the City of Des Moines the purchase price of \$14,880 for the purchase of such Property in order to use it for expansion of and incorporation into their existing site, which conveyance will be subject to a no-build restriction over the eastern portion of the Property, and which price reflects the restricted fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future 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 April 26, 2010, by Roll Call No. 10-603, it was duly resolved by the City Council that the proposed conveyance of such Property be set down for hearing on May 10, 2010, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey such Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, on May 10, 2010, by Roll Call No. 10-741, Council opened the public hearing, received comments and continued the public hearing to May 24, 2010, at 5:00 p.m., in the Council Chambers; 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 public 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 east of 3211 Delaware Avenue, more specifically described as follows:

The west 287.90 feet of the south 61.0 feet of Lot 26, Ovid Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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3. That the sale and conveyance of such City-owned Property to DSDM, LLC for \$14,880, 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 Chief Deputy City Clerk is authorized and directed to attest to the Mayor's signature.
5. The Chief Deputy City Clerk is authorized and directed to forward the original of this 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 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 grantee.
8. The proceeds from the sale of this property shall be deposited into the following account: 2010-2011 CIP, Page Storm Water Improvements – 4, City-wide Storm Water Utility Projects, STE057.

(Council Communication No. 10- 284)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE			✓	
TOTAL	5		1	

MOTION CARRIED 7-0-0 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