

★ Roll Call Number

10-960

Agenda Item Number

68

Date June 14, 2010

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**HOLD HEARING FOR CONVEYANCE OF A PERMANENT LANDSCAPE BUFFER
EASEMENT ON CITY-OWNED AIRPORT PROPERTY AT 3901 SOUTHWEST 42ND STREET
TO SCOTT AND ROXANNE MCGLOTHLEN FOR \$1,173**

WHEREAS, the City of Des Moines is in the process of selling excess City-owned property purchased for airport purposes at 3901 Southwest 42nd 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 Easement, more specifically described below, which price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division; and

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

WHEREAS, on May 24, 2010, by Roll Call No. 10-806, it was duly resolved by the City Council that the proposed conveyance of permanent landscape buffer easement on City-owned airport property at 3901 Southwest 42nd Street be set down for hearing on June 14, 2010, at 5:00 p.m., in the City Council Chambers; and

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

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To: Scott J. and Roxanne McGlothlen for \$1,173

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 5th 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 13, of said Southpark Plaza Plat 3, 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 easement 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 Offer to Purchase and Permanent Landscape Buffer Easement for the conveyance 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 original of this Easement, 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 Easement, 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 Easement 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.

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(Council Communication No. 10-339)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

David A. Ferree
Assistant City Attorney

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

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, KIERNAN, MAHAFFEY, MEYER, MOORE, and TOTAL. Includes handwritten signatures and 'MOTION CARRIED' text.