

★ Roll Call Number

11-0137

Agenda Item Number

54

Date January 24, 2011

**CONTINUED HEARING FOR THE CONVEYANCE OF CITY-OWNED PROPERTIES
LOCATED NEAR I-235 AND MARTIN LUTHER KING JR. PARKWAY
TO HATCH DEVELOPMENT GROUP LLC**

WHEREAS, on November 8, 2010, by Roll Call No. 10-1834, the City Council of the City of Des Moines received a letter and Memo from Hatch Development Group LLC requesting that the City Council initiate the vacation of various City-owned right-of-way parcels, located near I-235 and Martin Luther King Jr. Parkway, to be used for infill development of single-family affordable housing, and City Council further referred this request to the City Plan and Zoning Commission and staff for review and recommendation; and

WHEREAS, on December 20, 2010, by Roll Call Nos. 10-2071, 10-2072, 10-2073, 10-2074, 10-2075, and 10-2076, the City Council received the recommendations from the Plan and Zoning Commission that said right-of-way parcels, hereinafter listed and more fully described, be vacated and sold subject to certain conditions including reservation of adequate right-of-way for street and sidewalk usage and of easement for existing utilities, and provision of one street tree per dwelling unit constructed; and

WHEREAS, on December 20, 2010, by Roll Call No. 10-2077, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way and conveyance of said excess property be set down for hearing on January 10, 2011, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way and convey excess City-owned property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, on January 10, 2011, by Roll Call No. 11-0061, the public hearing was opened and it was duly resolved by the City Council to vacate all properties proposed to be vacated (Properties I-V), approve conveyance to Hatch Development Group LLC of four of the six properties proposed to be sold (Properties I, II, IV and V), and continue the hearing on the conveyance of properties III and VI as identified below to the January 24th Council meeting at 5:00 PM; and

WHEREAS, in accordance with said resolution, those interested in said 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 said conveyance of City-owned properties, as described below, are hereby overruled and the hearing is closed.

★ **Roll Call Number**
..... 11-0137

Agenda Item Number
..... 54

Date January 24, 2011

2. That the sale and conveyance of such City-owned properties as described below to Hatch Development Group LLC for the consideration identified below, together with payment by such grantee of the estimated publication and recording costs for this transaction and all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offer on file with the City Clerk, be and is hereby approved:

Property III:

1055 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/04836-001-000

Legally Described as: Lot 37 of Tidricks Addition, an Official Plat, in and forming a part of the City of Des Moines, Polk County, Iowa

AND

No Address Assigned, Polk County Assessor District/Parcel No. 030/04837-000-000

Legally Described as: A portion of Lot 38 Tidricks Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)

Portion of Purchase Price for this Parcel: \$7,500.00

Property VI:

No Address Assigned, Polk County Assessor District/Parcel No. 030/03265-001-000

Legally Described as: Disposal Parcel 7, as Recorded in Book 12736, Page 582 in the office of the Polk County, Iowa Recorder.

Portion of Purchase Price for this Parcel: \$16,500.00

3. Upon proof of payment of the deposit plus \$113.00 for publication and recording costs, the Mayor (or Mayor Pro-Tem) is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed(s) for the conveyance as identified above, the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of said Offer and Deed(s), 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 the Deed(s) to be recorded following closing, and the Real Estate Division Manager is authorized and directed to forward the Deed(s) following closing to the Polk County Recorder for recording.

4. The City Manager and/or his designee is hereby authorized and directed to administer and monitor the Offer to Purchase; to approve and execute documents pertaining to any minor or unsubstantial changes to said Offer, following approval of the City Legal Department as to form; to proceed to closing in accordance with the terms of the Offer; and, if needed, to approve, proceed with and execute documents pertaining to termination of the Offer if Hatch Development Group LLC fails to fulfill the contract terms required, following approval of the City Legal Department.

★ Roll Call Number
11-0137

Agenda Item Number
54

Date January 24, 2011

5. The proceeds from the sale of this property shall be deposited into the following account: \$7,500 Property Maintenance Endowment Fund, SP767, ENG980500, and \$16,500 2010/11 CIP, Street Improvements, Fed Title-23 Land Sales, STR500, Page Street Improvements - 24.

(Council Communication No. 11-033)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

BW

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

MOTION CARRIED 7 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