



**Roll Call Number**

11-0705

**Agenda Item Number**

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**Date** April 25, 2011

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY  
LOCATED ON THE NORTH SIDE OF PLEASANT DRIVE, WEST OF 56<sup>TH</sup> STREET,  
TO R.M. MADDEN CONSTRUCTION, INC. FOR \$28,633**

**WHEREAS**, the City of Des Moines owns real property located on the north side of Pleasant Drive, west of 56<sup>th</sup> Street (“Property”), more particularly described below, originally acquired from the Iowa Department of Transportation for the Waveland Trail – Phase I Project; and

**WHEREAS**, on April 9, 2010, this Property was bid to prospective developers and adjoining property owners for single family residential development; and

**WHEREAS**, R.M. Madden Construction, Inc. has offered to the City of Des Moines the purchase price of \$28,633 for the purchase of such City-owned Property for residential development, which conveyance will be subject to a Permanent Storm Sewer Easement and Permanent Easement for Storm Water and Surface Water Flowage over a portion of the Property as well as a restriction requiring that the housing design be consistent with existing architecture in the neighborhood, and which price reflects the fair market value of the Property as encumbered by said easements and restriction as determined 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 11, 2011, by Roll Call No. 11-0580, it was duly resolved by the City Council that the proposed conveyance of real property located on the north side of Pleasant Drive, west of 56<sup>th</sup> Street, be set down for hearing on April 25, 2011, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real 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 this property, as described below, are hereby overruled and the hearing is closed.



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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 on the north side of Pleasant Drive, west of 56<sup>th</sup> Street, more specifically described as follows:

A PART OF LOTS 6 AND 7, ASHWORTH OAKS PLAT 2, AN OFFICIAL PLAT, AND A PART OF LOT 6, ASHWORTH OAKS PLAT 5, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, OF SAID ASHWORTH OAKS PLAT 2; THENCE NORTH 00° (DEGREES) 02' (MINUTES) 26" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 140.31 FEET; THENCE NORTH 00° 16' 44" EAST, 101.47 FEET; THENCE NORTH 14°11' 48" EAST, 74.61 FEET; THENCE NORTH 82° 33' 27" EAST, 13.10 FEET; THENCE SOUTHEASTERLY ALONG A 80.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, WITH A CENTRAL ANGLE OF 126° 15' 56", A CHORD DISTANCE OF 142.73 FEET, AND A CHORD BEARING OF SOUTH 34° 18' 36" EAST, FOR AN ARC DISTANCE OF 176.30 FEET; THENCE SOUTH 28° 49' 21" WEST, 18.00 FEET; THENCE SOUTHERLY ALONG A 120.00 FOOT RADIUS CURVE CONCAVE EASTERLY, WITH A CENTRAL ANGLE OF 76° 37' 04", A CHORD DISTANCE OF 148.78 FEET, AND A CHORD BEARING OF SOUTH 09° 29' 11" EAST, FOR AN ARC DISTANCE OF 160.47 FEET; THENCE SOUTH 00° 02' 26" EAST, 36.29 FEET; THENCE NORTH 89° 35' 41" WEST, 128.00 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING BY SURVEY 32,847 SQUARE FEET OR 0.75 ACRES.

3. That the sale and conveyance of the above-described excess City-owned property to R. M. Madden Construction, Inc. for \$28,633, together with payment by such grantee 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 Quit Claim Deed 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 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.

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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 grantees.

8. The proceeds from the sale of this property will be deposited into the following account: 2011-2012 CIP, Page Park Improvements – 17, Recreation Trails, PKS045.

(Council Communication No. 11-245)

Moved by *Hensley* to accept the \$40,000 competing offer from Kerry and Victoria Bettis, and work with Mr. and Mrs. Bettis regarding trees on their property.

APPROVED AS TO FORM:

*Glenna K. Frank*  
 Glenna K. Frank  
 Assistant City Attorney

*Jan*

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

**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.

*T. M. Franklin* Mayor

*Diane Rauh* City Clerk