



Roll Call Number

11-1196

Agenda Item Number

19

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Date July 11, 2011

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF
GLENDALE CEMETERY TO FRANKLIN FIELD SENIOR APARTMENTS, LLLP
FOR \$172,500**

WHEREAS, in early 2011, Franklin Field Senior Apartments, LLLP submitted a request to the City Manager to purchase a 470.41-feet by 171.52-feet (less a 71'x 56' rectangle) portion of Glendale Cemetery (approximately 1.8 acres) ("Property") for redevelopment as senior apartments; and

WHEREAS, on June 13, 2011, by Roll Call No. 11-1051, the City Council declared by resolution that the Property was excess property, and directed the City Manager to begin negotiations for the vacation and sale of the Property to Franklin Field Senior Apartments, LLLP and any other interested potential buyers; and

WHEREAS, Franklin Field Senior Apartments, LLLP has offered to the City of Des Moines the purchase price of \$172,500 for the Property, which price reflects the appraised price per square foot as determined by an independent appraiser and also reflects the fair market value of the Property as further determined by the City's Real Estate Division; and

WHEREAS, Franklin Field Senior Apartments, LLLP and the City Real Estate Division are negotiating the terms of an Offer to Purchase, which Offer will include, among other terms, the provision that closing on the sale of the Property shall be subject to approval of rezoning of the Property and further subject to Iowa Finance Authority review and approval; and

WHEREAS, the Property has been declared as excess property by the City Council, and the City will not be inconvenienced by the sale of said parcel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating an approximately 1.8-acre portion of Glendale Cemetery, more specifically described as follows:

A tract of land in the SE $\frac{1}{4}$ of the NW Fractional $\frac{1}{4}$ of Section 31, Township 79 North, Range 24 West of the 5th P.M., in the City of Des Moines, Polk County, Iowa; Beginning at the Northeast Corner of Lot H in Mesa Park, an Official Plat; thence South 90° (degrees) 00' (minutes) 00" (seconds) East, parallel to the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 470.41 feet; thence S00°36'35"E, a distance of 86.62 feet; thence S89°23'25"W, a distance of 71.00 feet; thence S00°36'35"E, a distance of 56.00 feet; thence N89°23'25"E, a distance of 71.00 feet; thence S00°36'35"E, a distance of 28.89 feet; thence N90°00'00"W, a distance of 469.70 feet; thence N00°50'54"W, a distance of 171.52 feet to the Point of Beginning; said tract being subject to and together with any and all easements of record. Said tract contains 1.76 acres more or less.

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2. That if the City Council decides to vacate the above-described excess property, the City of Des Moines further proposes to sell such property to Franklin Field Senior Apartments, LLLP, for the consideration of \$172,500.00, with closing subject to the provision set forth above, and in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offer.

3. That the meeting of the City Council at which the adoption of said ordinance and the proposed conveyance of such real estate is to be considered shall be on July 25, 2011, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

5. The proceeds associated with this property will be deposited into the following account: Fund: CP040, ORG:PKS990000, Project: PKS138.

Moved by Moore to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank

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

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

MOTION CARRIED

APPROVED

T. M. Franklin Cownie Mayor