

★ Roll Call Number

12-0059

Agenda Item Number

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Date January 9, 2012

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY  
ADJOINING 700 LOCUST STREET TO 0906116 BC LTD. FOR \$5,000**

**WHEREAS**, the City of Des Moines is the owner of excess real property located at the northwest corner of 700 Locust Street, which property is legally described below; and

**WHEREAS**, 0906116 BC Ltd. is the owner of property abutting said City-owned property at the northwest corner of 700 Locust Street, and has offered to the City of Des Moines the purchase price of \$5,000 for the purchase of such City-owned property more specifically described below, subject to reservation of a permanent easement for public pedestrianway usage, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City will not be inconvenienced by the sale and conveyance of such excess real property; and

**WHEREAS**, on, December 19, 2011, by Roll Call No. 11-2119, it was duly resolved by the City Council that the proposed conveyance of real property adjoining 700 Locust Street be set down for hearing on January 9, 2012, 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.
2. The public would not be inconvenienced by reason of the conveyance of the excess City-owned property adjoining 700 Locust Street, more specifically described as follows, subject to reservation of a permanent easement for public pedestrianway usage:

THE NORTH 14 FEET OF THE WEST 116 FEET OF LOT 1, BLOCK 1, ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, 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 right-of-way to 0906116 BC Ltd. for \$5,000, subject to reservation of a permanent easement for public pedestrianway usage and together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.

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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.
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: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 12-009 )

Moved by Wensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney

PSW

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.

Diane Rauh City Clerk

T. M. Franklin Mayor