

Date April 9, 2012

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY
LOCATED AT 812 INDIANA AVENUE TO SHAWN D. WAGNER FOR \$50**

WHEREAS, the City owns excess real property located at 812 Indiana Avenue, which was originally acquired as part of the Top Value grocery store project generally located at 801 University Avenue; and

WHEREAS, on January 23, 2012 by Roll Call 12-0112, the City approved the sale of the former grocery store site to Des Moines Area Community College (DMACC) and CDT Investment, L.L.C. for redevelopment of a workforce center and proposed retail development; and

WHEREAS, the property located at 812 Indiana Avenue was not needed for the redevelopment project undertaken by DMACC and CDT Investment, L.L.C.; and

WHEREAS, Shawn D. Wagner is the owner of property abutting said excess City-owned property and has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of such City-owned property, more specifically described below, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

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

WHEREAS, on March 26, 2012, by Roll Call No. 12-0453, it was duly resolved by the City Council that the proposed conveyance of real property at 812 Indiana Avenue, be set down for hearing on April 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. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the City-owned excess real property locally known as 812 Indiana Avenue, more specifically described as follows:

The East 31 feet of Lot 9, North Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

★ **Roll Call Number**
12-0560

Agenda Item Number
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3. That the sale and conveyance of such property to Shawn D. Wagner for \$50.00, 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 Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, 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: Economic Development Enterprise Fund, SP743, CMO0980717, Page 56.

(Council Communication No. 12- 156)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
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