

★ Roll Call Number

12-1039

Agenda Item Number

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Date June 25, 2012

**HOLD HEARING FOR CONVEYANCE BY INSTALLMENT CONTRACT OF CITY-OWNED PROPERTY AT 1740 GARFIELD AVENUE (LOGAN COMMUNITY CENTER) TO JOSHUA CHRISTIAN ACADEMY, INC. FOR \$100,000**

**WHEREAS**, on May 7, 2012, by Roll Call No. 12-0743, the City Council of the City of Des Moines received a proposal from the Joshua Christian Academy, Inc. ("JCA") proposing to purchase City-owned property locally known as the Logan Community Center and located at 1740 Garfield Avenue, Des Moines, in order to operate a school on the site, and further directed the City Manager to negotiate terms of the sale and to work with interested parties and the neighborhood on options for the building; and

**WHEREAS**, Joshua Christian Academy, Inc. ("JCA") is requesting to purchase the Logan Community Center for the academy's use as a school facility and has offered to the City of Des Moines the purchase price of \$100,000, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division in an "as-is" condition; and

**WHEREAS**, City Real Estate Division staff and JCA have negotiated the terms of a real estate purchase installment contract, as on file in the office of the City Clerk, for the proposed conveyance in which the purchase price would be paid over a two-year period with a down payment of \$50,000 due by JCA's possession date of July 31, 2012, and two additional payments of \$25,000 each, and which contract is contingent upon JCA securing funding for the initial installment payment and upon JCA's inspection of the property during the due diligence period or waiver thereof; and

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

**WHEREAS**, on June 11, 2012, by Roll Call No. 12-0885, it was duly resolved by the City Council that the proposed conveyance of real property at 1740 Garfield Avenue be set down for hearing on June 25, 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:



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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 real property described below and the public would not be inconvenienced by reason of the conveyance of this property at 1740 Garfield Avenue, legally described below, to Joshua Christian Academy, Inc. for \$100,000, payable over a two-year period with a down payment of \$50,000 and two additional payments of \$25,000 each, together with payment by such grantee of the estimated publication and recording costs for this transaction and in accordance with the terms of the Real Estate Purchase Installment Contract on file in the office of the City Clerk, and said sale and conveyance be and is hereby approved:

ALL OF LOTS 8 THRU 29 IN BLOCK 5 OF STALFORD AND DIXON'S ADDITION, AN OFFICIAL PLAT, AND THE SOUTH 18 FEET OF LOTS 7 AND 30, IN SAID BLOCK 5, AND THE SOUTH 458 FEET OF THE VACATED ALLEY, LYING WEST OF AND ADJOINING SAID LOTS 7 THRU 18 IN BLOCK 5 (VACATED BY ORDINANCE 6240), AND ALL OF LOT 1, LYING EAST OF AND ADJOINING SAID BLOCK 5 EXCEPT THE NORTH 397 FEET AND THE SOUTH 110 FEET ADJOINING SAID BLOCK 5, LOT 1 ALSO KNOWN AS VACATED DIXON STREET (VACATED BY ORDINANCE 4981), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 2.99 ACRES (130,109 SQUARE FEET).

3. The Mayor is authorized and directed to sign the Real Estate Purchase Installment Contract from the City of Des Moines for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. Upon proof of down payment of \$50,000, plus \$113 for publication and recording costs, the City Clerk is authorized and directed to forward the original said Real Estate Purchase Installment Contract, 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.

5. Upon confirmation by the City's Real Estate Division Manager of the buyer's compliance with the Contract terms and proof of payment of the consideration of \$100,000, the Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest the Mayor's signature and to forward the original of said Quit Claim Deed to the Real Estate Division Manager of the Engineering Department for the purpose of causing said document to be recorded.

6. The City Real Estate Division Manager is hereby authorized and directed to administer and monitor the terms of and receipt of payment for the Real Estate Purchase Installment Contract; to approve and execute documents pertaining to any minor or unsubstantial changes to said Contract, following approval of the City Legal Department as to form; and, if needed, to approve, proceed with and execute documents

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pertaining to forfeiture, foreclosure, or termination of the Contract if Joshua Christian Academy, Inc. fails to fulfill the contract terms required, following approval of the City Legal Department.

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- 343 )

Moved by Mahaffey to continue to July 9, 2012 at 5:00 PM; refer to the City Manager to work with Joshua Christian Academy on the contract terms, and to collaborate with other interested parties.

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