

★ Roll Call Number

12-1248

Agenda Item Number

21

Date August 13, 2012

**SET HEARING FOR THE SALE OF EXCESS CITY-OWNED PROPERTY LOCATED  
NORTHEAST OF NE 80<sup>TH</sup> STREET AND NE 126<sup>TH</sup> AVENUE TO POLK COUNTY, IOWA**

**WHEREAS**, on November 20, 2006, by Roll Call No. 06-2288, the City Council approved acquisition of real property located northeast of NE 80<sup>th</sup> Street and NE 126<sup>th</sup> Avenue, as more fully described below, for wetland mitigation purposes for the Airport Runway 13R/31L Project; and

**WHEREAS**, it has been determined that this property is no longer needed by the City or by the Des Moines Airport Authority for wetland mitigation purposes; and

**WHEREAS**, Polk County, Iowa has offered to purchase the property described below from the City of Des Moines for the purchase price of \$208,200, and to additionally reimburse the City for all expenses incurred by the City to purchase the property in the amount of \$27,615, and for all expenses of selling the property in the amount of \$200, all in accordance with Iowa Code section 364.7(3) for transfer of property to a governmental body for a public purpose; and

**WHEREAS**, there is no known current or future City or Des Moines Airport Authority need for the property proposed to be sold and the City will not be inconvenienced by the sale of the property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa proposes to sell excess real property located northeast of NE 80<sup>th</sup> Street and NE 126<sup>th</sup> Avenue, more specifically described and to the grantee and for the consideration identified below:

To: Polk County, Iowa

For: \$208,200 and reimbursement of acquisition and disposition costs

A PART OF THE SOUTHWEST ¼ AND A PART OF THE WEST ½ OF THE SOUTHEAST 1/4 ALL BEING IN SECTION 29, TOWNSHIP 81 NORTH, RANGE 22 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 29; THENCE NORTH 0° 04' 20" WEST ALONG THE WEST LINE OF SAID WEST ½ OF THE SOUTHEAST 1/4, A DISTANCE OF 1148.33 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89° 45' 27" WEST, 309.43 FEET; THENCE SOUTH 0° 18' 01" WEST, 328.12 FEET; THENCE SOUTH 89° 38' 15" WEST, 1407.86 FEET, THENCE NORTH 0° 07' 21" EAST, 1045.81 FEET; THENCE NORTH 89° 41' 21" EAST, 3034.33 FEET TO A POINT ON THE EAST LINE OF SAID WEST ½ OF THE SOUTHEAST 1/4; THENCE SOUTH 0° 05' 01" EAST ALONG SAID EAST LINE, 548.56 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 29; THENCE SOUTH 89° 45' 28" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼, A DISTANCE

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OF 57.94 FEET; THENCE SOUTH 0° 40' 54" WEST, 169.81 FEET; THENCE SOUTH 89° 45' 27" WEST, 1258.41 FEET TO THE POINT OF BEGINNING AND CONTAINING 60.36 ACRES (2,629,262 S.F.)

2. A public hearing will be held on August 27, 2012, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Iowa Code sections 362.3 and 364.7.
4. The proceeds from the sale of this property will be paid to the Des Moines Airport Authority.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

David A. Ferree  
 David A. Ferree, Assistant City Attorney

*rcw*

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

MOTION CARRIED 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