

★ Roll Call Number

12-1454

Agenda Item Number

35

Date September 10, 2012

Dispositions – St. Anthony's Page 1

HOLD HEARING FOR THE CONVEYANCE BY INSTALLMENT CONTRACT OF THE CITY OWNED REAL ESTATE ADJOINING SW 1ST STREET, DUNHAM AVENUE AND INDIANOLA AVENUE, TO ST. ANTHONY'S CHURCH OF DES MOINES, POLK COUNTY, IOWA FOR \$20,000

WHEREAS, St. Anthony's Church of Des Moines, Polk County, Iowa ("St. Anthony's") is the titleholder of real property locally known as 15 Indianola Road, and other adjoining land, which property abuts City-owned excess property adjoining SW 1st Street, Dunham Avenue, and Indianola Avenue, more specifically described below; and

WHEREAS, St. Anthony's has offered to the City of Des Moines the purchase price of \$20,000.00 for incorporation of said City-owned excess property into St. Anthony's adjoining property, which purchase price reflects the fair market value of the City property as currently estimated by the City's Real Estate Division; and

WHEREAS, St. Anthony's proposed use of the property is consistent with the Two (2) Rivers District Land Use & Redevelopment Plan for the area; and

WHEREAS, City Real Estate Division staff and St. Anthony's have negotiated the initial terms of a real estate purchase installment contract for the proposed conveyance, which terms include purchase price of \$20,000.00 plus interest per annum, with down payment of \$2000.00, and annual installment payments thereafter through October 2022, and are continuing to negotiate final terms of the contract; and

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

WHEREAS, on August 27, 2012, by Roll Call No. 12-1344, it was duly resolved by the City Council that the conveyance of such property be set down for hearing on September 10, 2012, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to convey said City-owned excess property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said 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 said proposed conveyance of said real estate as described below are hereby overruled and the hearing is closed.

2. There is no public need for the City-owned excess property adjoining SW 1st Street, Dunham Avenue, and Indianola Avenue, and the public would not be inconvenienced by sale and conveyance by installment contract of said real estate, as legally described below, to St. Anthony's Church of Des Moines, Polk County, Iowa for \$20,000.00 plus interest at the rate of three and one-half percent (3.5%) per annum, together with payment by such grantee of the estimated publication and recording costs for this transaction, and said sale and conveyance is hereby approved:

(PARCEL "A" IN LOTS 1 AND 2, BLOCK 11, VAN'S ADDITION TO SOUTH DES MOINES, OFFICIAL PLAT AS RECORDED IN BOOK 10252 PAGE 873 NOVEMBER 5, 2003 IN THE RECORDERS OFFICE OF POLK COUNTY, IOWA).

PART OF LOTS 1, AND 2, BLOCK 11, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 18° (DEGREES) 51' (MINUTES) 24" (SECONDS) EAST ALONG THE WEST LINE OF SAID LOTS 2, AND 1 TO THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 132.03 FEET; THENCE SOUTH 72° 19' 37" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 37.23 FEET; THENCE SOUTH 15° 48' 23" EAST TO THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 159.19 FEET; THENCE NORTH 71° 58' 52" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 127.77 FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 10,906.1 SQUARE FEET.

3. Following final negotiation by the City Real Estate Division and approval as to form by the Legal Department, the Mayor is authorized and directed to sign the Real Estate Purchase Installment Contract 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 \$2,000.00 and \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of said Real Estate Purchase Installment Contract, together with a certified copy of this resolution and of the affidavit of publication of 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 \$20,000.00 plus interest, 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 forward the original of said Quit Claim Deed to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.

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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 pertaining to forfeiture, foreclosure, or termination of the Contract if St. Anthony's fails to fulfill the contract terms required, following approval of the City Legal Department.

7. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 12-478)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

ASW

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