

★ Roll Call Number

12-1458

Agenda Item Number

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Date September 10, 2012

**CONTINUED HEARING FOR THE SALE OF EXCESS CITY-OWNED PROPERTY
LOCATED NORTHEAST OF NE 80TH STREET AND NE 126TH 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 80th Street and NE 126th 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.

WHEREAS, on August 13, 2012, by Roll Call No. 12-1248, it was duly resolved by the City Council that the proposed conveyance of excess real property located northeast of NE 80th Street and NE 126th Avenue, be set down for hearing on August 27, 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, on August 27, 2012, by Roll Call No. 12-1378, the hearing on said proposal was continued to September 10, 2012; 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.

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2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this property located northeast of NE 80th Street and NE 126th Avenue, more specifically described as follows:

A PART OF THE SOUTHWEST $\frac{1}{4}$ AND A PART OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ ALL BEING IN SECTION 29, TOWNSHIP 81 NORTH, RANGE 22 WEST OF THE 5TH P.M., POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SAID SECTION 29; THENCE NORTH $0^{\circ} 04' 20''$ WEST ALONG THE WEST LINE OF SAID WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$, A DISTANCE OF 1148.33 FEET TO THE POINT OF BEGINNING, THENCE SOUTH $89^{\circ} 45' 27''$ WEST, 309.43 FEET; THENCE SOUTH $0^{\circ} 18' 01''$ WEST, 328.12 FEET; THENCE SOUTH $89^{\circ} 38' 15''$ WEST, 1407.86 FEET, THENCE NORTH $0^{\circ} 07' 21''$ EAST, 1045.81 FEET; THENCE NORTH $89^{\circ} 41' 21''$ EAST, 3034.33 FEET TO A POINT ON THE EAST LINE OF SAID WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$; THENCE SOUTH $0^{\circ} 05' 01''$ EAST ALONG SAID EAST LINE, 548.56 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 29; THENCE SOUTH $89^{\circ} 45' 28''$ WEST ALONG THE NORTH LINE OF SAID SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$, A DISTANCE OF 57.94 FEET; THENCE SOUTH $0^{\circ} 40' 54''$ WEST, 169.81 FEET; THENCE SOUTH $89^{\circ} 45' 27''$ WEST, 1258.41 FEET TO THE POINT OF BEGINNING AND CONTAINING 60.36 ACRES (2,629,262 S.F.)

3. That the sale and conveyance of such property to Polk County, Iowa for \$208,200 together with payment by such grantee of 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, be and is hereby approved.

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. Upon proof of payment of the consideration and expenses listed above, 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.

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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 paid to the Des Moines Airport Authority.

(Council Communication No. 12-479)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

[Signature]
David A. Ferree, Assistant City Attorney

row

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1
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.

[Signature] City Clerk