



**Roll Call Number**

12-1732

**Agenda Item Number**

38

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**Date** November 5, 2012

**HEARING ON SALE AND CONVEYANCE OF CITY-OWNED PROPERTY AT 2843 AND 2839 INDIANOLA AVENUE TO HATCH DEVELOPMENT GROUP, L.L.C.**

**WHEREAS**, on December 20, 2010, by Roll Call No. 10-2063, the City Council of the City of Des Moines authorized acquisition of property at 2843 and 2839 Indianola Avenue as part of the Neighborhood Stabilization Program. This property adjoins property previously acquired by the City at 2800 and 2810 SE 8<sup>th</sup> Street known as Southern Meadows Apartments, and the purpose of its purchase was to allow the City to enhance redevelopment opportunities of the Southern Meadows site; and

**WHEREAS**, on December 5, 2011, by Roll Call No. 11-2056, the City Council of the City of Des Moines authorized the City Manager to negotiate with Hatch Development Group, L.L.C. on a development agreement to redevelop the Southern Meadows site at 2800 SE 8<sup>th</sup> Street and adjoining parcels; and

**WHEREAS**, on January 23, 2012, by Roll Call No. 12-0122, the City Council of the City of Des Moines approved the sale and conveyance of 2800 SE 8<sup>th</sup> Street and adjoining parcels to Hatch Development Group, L.L.C. for a total price of \$43,400, subject to the terms and conditions of the development agreement with said buyer; and

**WHEREAS**, the City of Des Moines has since acquired the property at 2843 and 2839 Indianola Avenue, and such property was intended to be included in the conveyance of the adjoining parcels pursuant to the development agreement with Hatch Development Group, L.L.C.; and

**WHEREAS**, on October 22, 2012, by Roll Call No. 12-1666, it was duly resolved by the City Council that the proposed conveyance of the property at 2843 and 2839 Indianola Avenue to Hatch Development Group, L.L.C., be set down for hearing on November 5, 2012, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey such 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 public 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 2843 and 2839 Indianola Avenue, more specifically described as follows:

Lots 5 and 6 in Southern Meadows Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And, an Irregular Parcel of Lot 7, Official Plat of the East ½ of the West ½ of the Northwest ¼ of the Southeast ¼ of Section 15, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, described as follows:

Beginning at the Southeast Corner of said Lot 7, thence North on the East line of said Lot 7 a distance of 77.0 feet; thence northwesterly 15.0 feet; thence southwesterly 65.0 feet to a point on the South line of said Lot 7 being 50.0 feet from the Point of Beginning; thence southwesterly along the South line of said Lot 7 to the Point of Beginning, EXCEPT the southwesterly 5.0 feet thereof.

3. That the sale and conveyance of such City-owned property to Hatch Development Group, L.L.C., as part of the development agreement previously approved by City Council on January 23, 2012, by Roll Call No. 12-0122, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Special Warranty Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. 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 grantee.

(Council Communication No. 12-561)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Roger K Brown  
Roger K. Brown  
Assistant City Attorney  
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*on*

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