



Roll Call Number

12-1931

Agenda Item Number

19

Date December 17, 2012

**SET HEARING FOR LAND EXCHANGE AGREEMENT BETWEEN THE JERRY JAY MILLER FAMILY TRUST AND THE CITY OF DES MOINES FOR COMPARABLE PARCELS IN THE CENTRAL PLACE BUSINESS PARK BETWEEN OHIO STREET AND THE DES MOINES RIVER LEVEE**

**WHEREAS**, Jacqueline Miller and Donald Steele, as Trustees of the Jerry Jay Miller Family Trust (herein "Miller Trust"), are the owners of property located along the north side of Jefferson Avenue between Ohio Street and the Central Place levee, locally known as 19, 21, 23 and 95 Jefferson Avenue (herein "Miller Trust parcels"), which property would be beneficial to the City for assemblage within the Central Place Business Park; and

**WHEREAS**, the City of Des Moines needs to acquire a corrected permanent easement for the Central Place levee upon property owned by Miller Trust; and

**WHEREAS**, the City of Des Moines also owns excess property in the vicinity of the Miller Trust parcels along the north side of and within Jefferson Avenue as vacated by Ordinance No. 13,822 and along the Central Place levee; and

**WHEREAS**, City staff and Miller Trust are negotiating a land exchange agreement by which Miller Trust will convey the Miller Trust parcels to the City for assemblage for the Central Place Business Park, and the corrected permanent easement required for the Central Place levee, in exchange and as consideration for the City's conveyance to Miller Trust of the real property locally known as 17 Jefferson Avenue, a portion of the real property locally known as 13 Jefferson Avenue, a portion of Polk County District/Parcel Nos. 080/05836-000-000 and 080/05837-000-000, and previously vacated Jefferson Avenue, subject to reservation by the City upon a portion of said property of a permanent easement for the Central Place levee, with all properties being exchanged "as-is" and closing subject to environmental review if desired by either party; and

**WHEREAS**, the properties to be exchanged have been determined by the City's Real Estate Division to be comparable in value, condition, and use; and

**WHEREAS**, there is no known current or anticipated public need for the property proposed to be conveyed to Miller Trust, and the City will not be inconvenienced by the sale of said property, subject to reservation upon a portion thereof of permanent easement for levee purposes, and will benefit from acquisition and acceptance of the Miller Trust parcels and corrected permanent easement.

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

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1. The City of Des Moines, Iowa proposes to convey excess City-owned real property locally known as 17 Jefferson Avenue, a portion of the real property locally known as 13 Jefferson Avenue, a portion of Polk County District/Parcel Nos. 080/05836-000-000 and 080/05837-000-000, and vacated Jefferson Avenue, more specifically described as follows and subject to reservation upon a portion thereof of a permanent easement for levee purposes, to Jacqueline Miller and Donald Steele, as Trustees of the Jerry Jay Miller Family Trust, in exchange and as consideration for conveyance to the City of the real property locally known as 19, 21, 23 and 95 Jefferson Avenue as owned by Miller Trust, and a corrected permanent easement for the Central Place levee upon property owned by Miller Trust:

ALL OF LOT 13, BLOCK 4, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

A PART OF VACATED JEFFERSON AVENUE AND A PART OF LOTS 15, 16 AND 17, BLOCK 4, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 0°(DEGREES) 16'(MINUTES) 15"(SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 15, A DISTANCE OF 103.74 FEET; THENCE SOUTH 51°06'20" EAST, 177.46 FEET; THENCE SOUTH 46°43'59" EAST, 61.12 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF VACATED JEFFERSON AVENUE; THENCE SOUTH 89°52'08" WEST ALONG THE SOUTH LINE OF SAID VACATED RIGHT OF WAY, 131.84 FEET TO A POINT OF INTERSECTION WITH THE PROJECTED EAST LINE OF SAID LOT 15; THENCE NORTH 0°17'57" WEST ALONG SAID PROJECTED EAST LINE, 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 89°52'08" WEST ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 50.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.27 ACRES (11894 S.F.)

2. A public hearing shall be held on January 14, 2013 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.

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3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

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

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