

Date February 11, 2013

SET HEARING FOR THE CONVEYANCE OF CITY-OWNED REAL ESTATE AT INDIANOLA AVENUE AND DUNHAM AVENUE TO NEIGHBORHOOD DEVELOPMENT CORPORATION (NDC) FOR \$198,000

WHEREAS, on September 14, 1998, by Roll Call No. 98-2603, the Des Moines City Council established the Des Moines Enterprise Zone Commission ("Commission"), and on January 25, 2010, by Roll Call No. 10-154, the City Council approved the River South Enterprise Zone, which the State of Iowa subsequently certified; and

WHEREAS, on January 28, 2013, by Roll Call No. 13-0115, the Des Moines City Council approved the application of Neighborhood Development Corporation (NDC) to the Iowa Economic Development Authority (IEDA) for Enterprise Zone Benefits for the construction of 49 housing units at Indianola Avenue and Dunham Avenue in the River South Enterprise Zone, involving a total investment of approximately \$6,438,335; and

WHEREAS, the City of Des Moines owns excess real property located at Indianola Avenue and Dunham Avenue (Polk County District/Parcel Nos. 020/02599-001-000, 020/02600-003-000, 020/02599-002-000 and 020/02600-005-000)(herein "City parcels"), as legally described below; and

WHEREAS, NDC has offered to the City of Des Moines the purchase price of \$198,000 for the purchase of the City parcels to be used for the above-described housing redevelopment, which purchase price reflects the fair market value of the property as currently appraised and without taking into consideration the environmental remediation necessary to redevelop the parcels; and

WHEREAS, NDC and City staff are negotiating certain closing conditions for the proposed sale as set forth in the Offer to Purchase, including: (1) NDC shall receive a credit, not to exceed \$198,000, toward the purchase price owed for the City parcels in the amount of the lowest bid estimating the cost of environmental remediation to be incurred by NDC upon the City parcels, in order to meet Iowa Department of Natural Resources requirements regarding remediation and redevelopment of the property; (2) closing is subject to IEDA approval of funding requested by NDC for redevelopment of the City parcels; (3) closing is further subject to paving by NDC, at NDC's sole cost and expense, of City-owned right-of-way in the vicinity of the City parcels if required by an approved site plan and pursuant to private construction contract to be approved by the City Council, and Council acceptance of said paving improvements; and (4) compliance by NDC with any additional requirements set forth in the approved site plan, as a covenant upon the City parcels; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the City of Des Moines proposes to sell excess City-owned real property located at Indianola Avenue and Dunham Avenue (Polk County District/Parcel Nos. 020/02599-001-000, 020/02600-003-000, 020/02599-002-000 and 020/02600-005-000), as legally described below, to Neighborhood Development Corporation for \$198,000, subject to the conditions set forth herein and in the Offer to Purchase:

ALL OF THE 16.5 FOOT WIDE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 7, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND ALL OF LOTS 1 THRU 4, BLOCK 7, VAN'S ADDITION TO SOUTH 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 GRANGER AVENUE

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RIGHT OF WAY; AND A PART OF LOTS 5 THRU 8, BLOCK 7, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 7; THENCE SOUTH 71°(DEGREES) 58'(MINUTES) 50"(SECONDS) EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 131.09 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 19°23'34" EAST, 37.87 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF INDIANOLA AVENUE, AS PRESENTLY ESTABLISHED; THENCE SOUTH 15°21'19" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 259.63 FEET TO A POINT ON THE EASTERLY LINE OF SAID BLOCK 7; THENCE SOUTH 19°16'41" WEST ALONG SAID EASTERLY LINE, 57.85 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 55.00 FEET, WHOSE ARC LENGTH IS 57.69 FEET, WHOSE CHORD BEARS SOUTH 78°05'27" WEST, 55.08 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DUNHAM AVENUE, AS PRESENTLY ESTABLISHED; THENCE NORTH 71°52'39" WEST ALONG SAID NORTHERLY RIGHT OF WAY, 232.60 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 7; THENCE NORTH 19°29'36" EAST ALONG THE WESTERLY LINE OF SAID BLOCK 7, A DISTANCE OF 263.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.45 ACRES (62965 S.F.)

2. That a public hearing will be held on February 25, 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.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
4. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Basley 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			

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