

Date May 6, 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, 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, Neighborhood Development Corporation (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 residential and/or mixed use redevelopment, which purchase price reflects the fair market value of the City parcels as currently appraised and without taking into consideration the environmental remediation necessary to redevelop the parcels; and

WHEREAS, NDC and City staff have negotiated certain conditions for the proposed sale as set forth in the Offer to Purchase, including among other terms: (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 to the minimum requirement necessary to receive an environmental comfort letter from the Iowa Department of Natural Resources regarding remediation and redevelopment of the property, and (2) compliance by NDC with any zoning and site plan requirements, 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 the 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 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

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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 May 20, 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 accounts: Property Maintenance Endowment Fund, SP767, ENG980500; CIP Corridor Studies Account: STR118, ENG990000.

Moved by Mahaffey 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			

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.

T. M. Franklin Mayor

Diane Rauh City Clerk