

★ **Roll Call Number**
13-0746

Agenda Item Number
45

Date May 6, 2013

HOLD HEARING FOR CONVEYANCE OF A PORTION OF CITY-OWNED PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SW 9TH STREET AND BELL AVENUE TO GIT-N-GO CONVENIENCE STORES, INC. FOR \$7,500

WHEREAS, the City of Des Moines owns excess real property that is located at the southeast corner of SW 9th Street and Bell Avenue (Polk County District/Parcel No. 010/04795-905-000), more particularly described below ("Property"); and

WHEREAS, Git-N-Go Convenience Stores, Inc. entered into a 15-year lease of the Property with the City of Des Moines on May 1, 1998, which lease agreement expired on April 30, 2013; and

WHEREAS, Git-N-Go Convenience Stores, Inc. owns real property abutting said City-owned Property and has offered to the City of Des Moines the purchase price of \$7,500.00 for the purchase of such Property in order to incorporate it into their commercial lot, and which price reflects the fair market value of the Property as currently estimated by the City's Real Estate Division; and

WHEREAS, the City of Des Moines has no current or anticipated public need for the Property, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on April 22, 2013, by Roll Call No. 13-0643, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on May 6, 2013, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to convey the Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said 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, that:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed conveyance of excess City-owned real property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the excess City-owned real property located at the southeast corner of SW 9th Street and Bell Avenue (Polk County District/Parcel No. 010/04795-905-000), more specifically described as follows:

LOT E, SOUTHWEST 9TH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

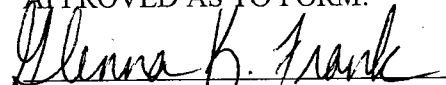
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3. The proposed sale of such property, as described above, to Git-N-Go Convenience Stores, Inc., for \$7,500.00, is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the said 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
8. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Fund, FUND: SP767, ORG: ENG980500.

Moved by Hensley to adopt

APPROVED AS TO FORM:

 Glenna K. Frank
 Assistant City Attorney

(Council Communication No. 13-213)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
GRIESS	✓			
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