

13-0831

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Date May 20, 2013

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 the minimum requirements 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; and

WHEREAS, on May 6, 2013, by Roll Call No. 13-0718, it was duly resolved by the City Council that the proposed conveyance be set down for hearing on May 20, 2013, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to convey public 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, as follows:

- 1. Upon due consideration of the facts and statements of interested persons, any and all objections to said 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 proposed to be sold, and the public would not be inconvenienced by reason of the sale and conveyance of 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, which sale is hereby approved:

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

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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 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.)

3. 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.
4. Upon proof of payment of the consideration in accordance with the terms set forth herein and in the Offer to Purchase, and payment of \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of 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 following closing.
5. 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 following closing.
6. The City Manager and/or his designee, the City's Real Estate Division Manager, are hereby authorized and directed to administer and monitor the Offer to Purchase; to approve and execute documents pertaining to minor or unsubstantial changes to said Offer, following approval of the City's Legal Department as to form; to proceed to closing in accordance with the terms set forth herein and in the Offer; and, if needed, to proceed with and execute documents pertaining to the termination of the Offer if NDC fails to fulfill the contract terms required therein, following approval of the City's Legal Department.
7. The proceeds from the sale of this property shall be deposited as follows: Fund: SP767, Org: ENG980500, and CIP Corridor Studies Account: STR118, ENG990000.

★ Roll Call Number  
130831

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(Council Communication No. 13- 244)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

*DM*

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.

Diane Rauh City Clerk

T. M. Franklin Mayor  
MOTION CARRIED APPROVED