

★ Roll Call Number

13-1027

Agenda Item Number

49

Date June 24, 2013

**HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT
1220 CRESTON AVENUE TO THIRD L.L.C. FOR \$200**

WHEREAS, on August 23, 2010, by Roll Call No. 10-1364, City Council authorized voluntary acquisition of property located at 1220 Creston Avenue ("Property"), as legally described below, for the Creston Avenue Storm Water Improvements Project; and

WHEREAS, Third L.L.C. is the owner of 1216 Creston Avenue adjoining said Property, and has offered to the City of Des Moines the purchase price of \$200 for the purchase of a fee simple interest in the Property, which conveyance will be subject to a storm sewer and surface water flowage easement across the entire property, and which price reflects the restricted fair market value of the Property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property, subject to reservation of easements as set forth herein; and

WHEREAS, on June 10, 2013, by Roll Call No. 13-0893, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on June 24, 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, Roll Call No. 13-0893 and the published notice of this hearing indicated that a land use covenant would be imposed upon the Property, which covenant has since been determined to be unnecessary in relation to the proposed conveyance; 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of excess City-owned property, as described below, is hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City-owned property, and the public would not be inconvenienced by reason of the sale of the excess City-owned real property locally known as 1220 Creston Avenue, more specifically described as follows, subject to reservation of a storm sewer and surface water flowage easement across the entire property:

LOT 96 AND THE EAST 10 FEET OF LOT 95, ROSEBUD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the sale of such excess City-owned property to Third L.L.C. for \$200.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved subject to reservation of easement as described above.
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.

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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 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: 2013-14 CIP, Storm Water Improvements, City-wide Storm Water Utility Projects, STE057, Page – Storm Water Improvements – 4.

(Council Communication No. 13- 322)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

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

PSW

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

MOTION CARRIED

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