

★ **Roll Call Number**

13-1135

**Agenda Item Number**

52

**Date** July 15, 2013

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED ADJACENT TO  
814 BELL AVENUE TO CLOYD AND TERESA GERARD FOR \$25**

**WHEREAS**, the City of Des Moines owns excess real property (Polk County District/Parcel No. 010/04795-907-000), more particularly described below, that is located north of and adjacent to 814 Bell Avenue (“Property”); and

**WHEREAS**, Cloyd Gerard and Teresa Gerard own the real property locally known as 814 Bell Avenue which adjoins the City-owned Property, and have offered to the City of Des Moines the purchase price of \$25.00 for the purchase of such Property in order to incorporate it into their residential lot, 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 June 24, 2013, by Roll Call No. 13-0983, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on July 15, 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, any and all 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 (Polk County District/Parcel No. 010/04795-907-000), legally described as follows, which property is located north of and adjacent to 814 Bell Avenue:

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

3. That the sale and conveyance of such property to Cloyd Gerard and Teresa Gerard for \$25.00, together with payment by the grantees of the estimated publication and recording costs for this transaction, be and is hereby approved.

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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, 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 grantees.
8. The proceeds from the sale of this property will be deposited into the following account: Fund: SP767, Org: ENG980500.

(Council Communication No. 13- 356 )

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
GRIESS	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE				✓
TOTAL	6			1

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