

★ Roll Call Number

14-1898

Agenda Item Number

64

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Date December 8, 2014

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED
ADJACENT TO 1070 39TH STREET TO JAMES AND CARA SINK, FOR \$50**

WHEREAS, on December 31, 1945, the Polk County Board of Supervisors approved a resolution conveying by Special Warranty Deed various County-owned properties to the City of Des Moines, including a small; said conveyance being filed of record with the Polk County Recorder's office on February 27, 1946 in Book 1939, Page 399; and

WHEREAS, James P. Sink and Cara L. Sink, owners of 1070 39th Street, have offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the landlocked piece of City-owned property for incorporation into their residential property, which price reflects the 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; and

WHEREAS, on November 17, 2014 by Roll Call No. 14-1765, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on December 8, 2014, at 5:00 p.m., in the City Council Chambers; 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 City Council direction, those interested in the 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 the City-owned property as described below are hereby overruled and the hearing is closed.

2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the piece of landlocked property that sits adjacent to 1070 39th Street Des Moines, Iowa, more particularly described below, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

To: James P. Sink and Cara L. Sink



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For: \$50

Legal Description:

THE WEST 50 FEET OF THE EAST 300 FEET OF LOT 59, FAGEN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as 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 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.
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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.
7. Non-project related land sale proceeds are used to support general operating budget expenses:
Org – EG064090.

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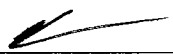
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(Council Communication No. 14- 569)

Moved by Hensley to adopt.

APPROVED AS TO FORM:



 Cori Kuhn Coleman
 Assistant City Attorney

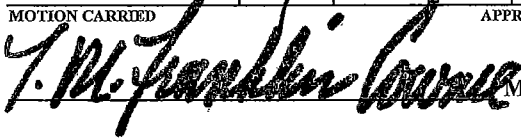
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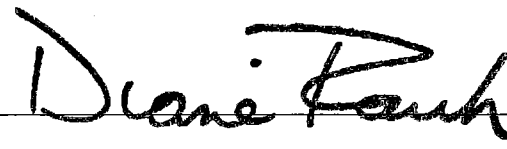
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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.

MOTION CARRIED

 T. M. Franklin Mayor


 Diane Rauh City Clerk