

★ Roll Call Number

16-0886

Agenda Item Number

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Date May 23, 2016

HOLD HEARING FOR CONVEYANCE OF 3946 CLINTON AVENUE TO SHANE M. AND EILEEN MEADER FOR \$75.00 AND TO RON J. AND MICHELLE ANN HEIMS FOR \$75.00

WHEREAS, on March 7, 2016, by Roll Call 16-0379, the City of Des Moines, Iowa, ("City") authorized the acquisition of necessary property interests for the 2016 Storm Sewer Repair Project; and

WHEREAS, on March 29, 2016, Polk County, Iowa conveyed 3946 Clinton Avenue (hereinafter "Property") to the City of Des Moines, Iowa via quit claim deed recorded in Book 15940, Page 623-626; and

WHEREAS, Shane M. Meader and Eileen Meader, owners of 3942 Clinton Avenue, have offered to the City the purchase price of \$75.00 for the purchase of the east half of 3946 Clinton Avenue adjoining their property, subject to all easements of record, including a Permanent Easement for Storm Sewer and Surface Water Flowage, and further subject to the reservation of easement for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of 3946 Clinton Avenue as currently estimated by the City's Real Estate Division; and

WHEREAS, Ron J. Heims and Michelle Ann Heims, owners of 3950 Clinton Avenue, have offered to the City the purchase price of \$75.00 for the purchase of the west half of 3946 Clinton Avenue adjoining their property, subject to all easements of record, including a Permanent Easement for Storm Sewer and Surface Water Flowage, and further subject to the reservation of easement for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of 3946 Clinton Avenue as currently estimated by the City's Real Estate Division; and

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

WHEREAS, on May 9, 2016, by Roll Call No. 16-0760, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on May 23, 2019, 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.



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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 Property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the Property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of 3946 Clinton Avenue adjoining 3942 and 3950 Clinton Avenue, as legally described, to the grantees, and for the consideration identified below, subject to all easements of record, including a Permanent Easement for Storm Sewer and Surface Water Flowage, and further subject to the reservation of easement for all existing utilities in place, until such time that they are abandoned or relocated, therein:

Grantee: Shane M. Meader and Eileen Meader

Consideration: \$75.00

Legal Description: THE EAST HALF OF LOT 67 KNAPP PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY IOWA.

Grantee: Ron J. Heims and Michelle Ann Heims

Consideration: \$75.00

Legal Description: THE WEST HALF OF LOT 67 KNAPP 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 Permanent Easements for Storm Sewer and Surface Water Flowage, the Offers to Purchase and the Quit Claim Deeds for the conveyances 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 Permanent Easements for Storm Sewer and Surface Water Flowage, the Offers to Purchase and the Quit Claim Deeds, 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 Permanent Easements for Storm Sewer and Surface Water Flowage and the Quit Claim Deeds, together with a certified copy of this resolution and of the affidavit of publication of the notice of



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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 Quit Claim Deeds 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.

(Council Communication No. 16- 279)

Moved by Gray to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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

T. McFranklin Council 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