



Roll Call Number

16-1038

Agenda Item Number

24

Date June 27, 2016

RECEIVE AND FILE COMMUNICATION FROM THE DES MOINES AIRPORT AUTHORITY BOARD RECOMMENDING THE SALE OF EXCESS REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 28 AND ARMY POST ROAD AND AUTHORIZATION FOR CITY STAFF TO PROCEED WITH THE DISPOSITION OF SUCH PROPERTY IN COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS

WHEREAS, the Des Moines Airport Authority Board has been approached by Electro Management Corp., owner of 4240 Army Post Road, for the sale of excess City-owned real property located at the southeast corner of Highway 28 and Army Post Road ("Property"), more particularly described herein, for the purpose of incorporation into 4240 Army Post Road for future commercial development; and

WHEREAS, said Property is currently owned by the City of Des Moines, Iowa ("City") and leased to the Des Moines Airport Authority ("DMAA"), which lease requires the sale of any of the leased property to be conveyed by the City; and

WHEREAS, subject to obtaining both avigation and noise easements, the Federal Aviation Administration has approved of the proposed sale of said Property; and

WHEREAS, on June 14, 2016, by Roll Call No. A16-047, the DMAA Board recommended the City proceed with the proposed sale of said Property; and

WHEREAS, before the City may proceed to consider the disposition of said Property, the City must first comply with all state and federal requirements, including but not limited to Iowa Code Chapter 306 notice requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, hereby receives and files the recommendation from the Des Moines Airport Authority to sell the excess City-owned real property located at the southeast corner of Highway 28 and Army Post Road, Des Moines, Iowa, as legally described below, to the grantee identified below, subject to obtaining both avigation and noise easements therein:

Grantee: Electro Management Corp.
Legal Description:

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 78N, RANGE 25W OF THE 5th P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE EAST 1/4 CORNER OF SAID SECTION 36; THENCE S00°03'51"W, 33.00 FEET ALONG THE EAST LINE OF SAID SECTION 36 TO A POINT; THENCE N89°55'37"W, 115.03 FEET TO A POINT WHICH

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IS ON THE WEST RIGHT-OF-WAY LINE OF SW 42nd STREET AND THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE CONTINUING N89°55'37"W, 650.43 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE WESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3926.81 FEET AND A CHORD BEARING OF S78°29'41"W, AN ARC LENGTH OF 566.65 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 36, SAID POINT BEING THE POINT OF BEGINNING; THENCE S00°18'02"E, 1040.50 FEET ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 36 TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5; THENCE N58°47'18"W, 396.90 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5 TO A POINT; THENCE N77°47'08"W, 456.41 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5 TO A POINT; THENCE S77°33'28"W, 304.49 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5 TO A POINT; THENCE S55°41'03"W, 260.09 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF IOWA HIGHWAY 5 TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF IOWA HIGHWAY 28; THENCE N43°09'13"W, 138.79 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF IOWA HIGHWAY 28 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE N46°50'27"E, 219.51 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE N50°22'25"E, 215.34 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE N54°17'43"E, 222.83 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE N55°49'35"E, 182.49 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE N56°58'11"E, 289.51 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3926.81 FEET AND A CHORD BEARING OF N70°35'40"E, AN ARC LENGTH OF 516.21 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO THE POINT OF BEGINNING AN CONTAINING 15.9333 ACRES MORE OF LESS.

2. The City Council of the City of Des Moines, Iowa, hereby authorizes the City's Real Estate Department to proceed with the proposal sale of said excess City-owned real property in accordance with all state and federal requirements, including but not limited to Iowa Code Chapter 306 notice requirements.
3. The Manager of the Real Estate Division is authorized and directed to sign all notices prepared by the City's Legal Department in accordance with all state and federal requirements, including but not limited to Iowa Code Chapter 306.
4. Upon compliance with the above notice requirements, City staff is hereby directed to bring this proposed excess land sale back to City Council for consideration to set the date of hearing for the sale of the Property.

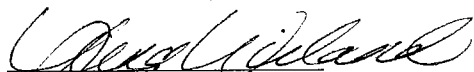
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MOVED by Gatto to adopt.

Approved as to Form:


 Lisa A. Wieland, Assistant City Attorney

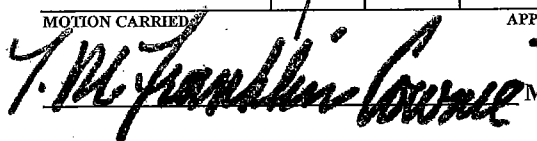
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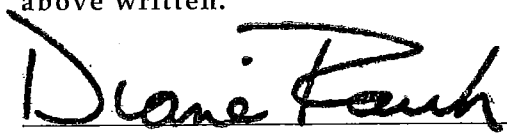
COUNCIL ACTION	YEAS	NAYS	PASS	ABSEN.
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

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.


 T. M. Franklin, Mayor


 Diane Rauh, City Clerk