



**Roll Call Number**

16-1196

**Agenda Item Number**

16

**Date** July 25, 2016

**SET HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY  
CURRENTLY LEASED TO THE DES MOINES AIRPORT AUTHORITY AND  
LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 28 AND ARMY POST  
ROAD ADJOINING 4240 ARMY POST ROAD TO ELECTRO MANAGEMENT CORP.  
FOR \$512,000**

**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 adjoining 4240 Army Post Road ("Property"), more particularly described herein, for the purpose of incorporation into their property for future commercial development; and

**WHEREAS**, on June 14, 2016, by Roll Call No. A16-047, the Des Moines Airport Authority Board voted to recommend that the City of Des Moines proceed with the sale of Property, which is currently leased to the Des Moines Airport Authority by the City of Des Moines; and

**WHEREAS**, on June 27, 2016, by Roll Call No. 16-1038, the City Council of the City Des Moines, Iowa voted to receive and file the Des Moines Airport Authority Board's recommendation to proceed with the sale and directed the City's Real Estate Division to proceed by sending out all notices required by law; and

**WHEREAS**, pursuant to the notice received under Iowa Code Chapter 306, Electro Management Corp. has offered the City of Des Moines \$512,000 for the purchase of the Property, subject to the terms and conditions contained in the Offer to Purchase Real Estate from the City of Des Moines and Acceptance, which price reflects the fair market value of the Property as determined by an independent appraisal; and

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

**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, proposes to sell the excess City-owned real property located at the southeast corner of Highway 28 and Army Post Road adjoining 4240 Army Post Road, as legally described, to the grantees, and for the consideration identified below, subject to obtaining both noise and aviation easements therein and a reservation of easements therein, and further subject to the terms and conditions contained in the Offer to Purchase Real Estate from the City of Des Moines and Acceptance:

Grantee: Electro Management Corp.  
Consideration: \$512,000.00

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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 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 694,053 SQUARE FEET MORE OF LESS.

2. In the event said proposed sale is approved, the City Council of the City of Des Moines, Iowa, further proposes to amend the Real Estate Lease and Asset Transfer Agreement between the City of Des Moines,



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Iowa, and the Des Moines Airport Authority, dated November 1, 2011, to exclude the above described property from said lease.

3. A public hearing shall be held on August 8, 2016, at 5:00 p.m. in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. At that time, the City Council will consider the above-described proposals and any other(s) submitted prior to or during the public hearing.

4. The City Clerk is hereby authorized and directed to publish notice of said proposals and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090, and upon deposit, shall be reimbursed the Des Moines Airport Authority in accordance with federal law.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

PSA

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