

★ Roll Call Number

16-1359

Agenda Item Number

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Date August 8, 2016

**HOLD 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 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 July 25, 2016, by Roll Call No. 16-1196, 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 August 8, 2016, 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 vacated alley right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the 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 located at the southeast corner of Highway 28 and Army Post Road adjoining 4240 Army Post Road, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, and said conveyance be and is hereby approved, subject to obtaining both noise and avigation easements 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

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

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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.:

3. The Mayor is authorized and directed to sign the Offer to Purchase, Quit Claim Deed, and all other associated documents approved by the City's Legal Department, 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 the estimated publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim 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 Quit Claim 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 Quit Claim 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, and upon deposit, shall be reimbursed the Des Moines Airport Authority in accordance with federal law.

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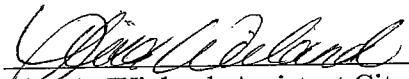
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(Council Communication No. 16- 438)

Moved by Hensley to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

per

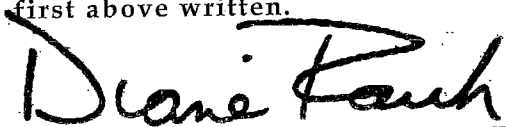
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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