

★ Roll Call Number

16-1401

Agenda Item Number

24

Date August 22, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE DES MOINES AIRPORT
AUTHORITY BOARD RECOMMENDING THE SALE OF EXCESS REAL PROPERTY
LOCATED NORTH OF AND ADJOINING MCKINLEY AVENUE AT SOUTHWEST
33RD STREET AND SET HEARING FOR CONVEYANCE OF SUCH PROPERTY TO
GLEN BROWN AND APRIL BARKLEY BROWN FOR \$120,000**

WHEREAS, the Des Moines Airport Authority Board has been approached by Glen Brown and April Barkley Brown, for the sale of excess City-owned real property located along McKinley Avenue at Southwest 33rd Street ("Property"), more particularly described herein, to allow them to develop a single family home; and

WHEREAS, said Property is currently owned by the City of Des Moines, Iowa ("City") and leased to the Des Moines Airport Authority ("DMAA; 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 August 9, 2016, by Roll Call No. A16-047, the DMAA Board recommended the City proceed with the proposed sale of said Property; and

WHEREAS, Glen Brown and April Barkley Brown have offered the City of Des Moines \$120,000 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, including easements for noise, avigation, and existing utilities, 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, hereby receives and files the recommendation from the Des Moines Airport Authority to sell the excess City-owned real property located along McKinley Avenue at Southwest 33rd Street, Des Moines, Iowa.
2. The City Council of the City of Des Moines, Iowa, proposes to sell the excess City-owned real property located along McKinley Avenue at Southwest 33rd Street, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, subject to obtaining both noise and avigation 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:

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Grantee: Glen Brown and April Barkley Brown

Consideration: \$120,000.00

Legal Description: THAT PART OF LOT 9, SERENDIPITY PLAT 3 AND LOTS 7, 8, & C, AIRPORT HEIGHTS, BOTH OFFICIAL PLATS, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 9 IN SERENDIPITY PLAT 3; THENCE SOUTH 00°11'57" WEST ALONG THE EAST LINE OF SAID LOT 9, AND ALONG THE EAST LINE OF SAID LOTS 7 AND 8, A DISTANCE OF 497.51 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF MCKINLEY AVENUE, AS PRESENTLY ESTABLISHED, SAID POINT ALSO BEING A POINT OF CUSP ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 763.50 FEET AND A CENTRAL ANGLE OF 26°19'28" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 40°09'26" WEST 347.71 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 350.79 FEET; THENCE NORTH 26°59'42" WEST TANGENT TO SAID CURVE, A DISTANCE OF 261.34 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 9, SERENDIPITY PLAT 3; THENCE SOUTH 89°48'57" EAST ALONG SAID LINE, A DISTANCE OF 344.59 FEET TO THE POINT OF BEGINNING, CONTAINING 2.31 ACRES, MORE OR LESS, AND SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF RECORD.

3. 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, Iowa, and the Des Moines Airport Authority, dated November 1, 2011, to exclude the above described property from said lease.
4. A public hearing shall be held on September 12, 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.
5. 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.
6. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090, and upon deposit, shall be reimbursed to the Des Moines Airport Authority in accordance with federal law.

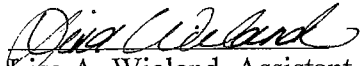
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MOVED by Moore to adopt.

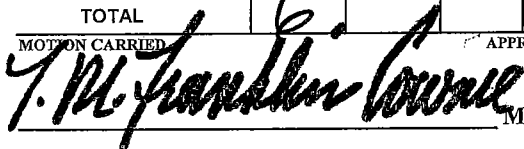
Approved as to Form:


Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

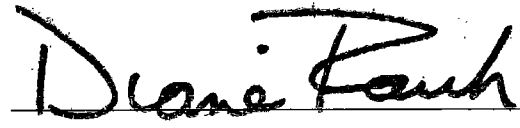
MOTION CARRIED APPROVED


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