

★ Roll Call Number

16-1857

Agenda Item Number

54

Date October 24, 2016

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 717 SOUTHEAST 27<sup>TH</sup> STREET TO R. M. MADDEN CONSTRUCTION, INC. FOR \$8,250.00**

**WHEREAS**, on May 2, 2012, the City of Des Moines (hereinafter "City") acquired property locally known as 717 Southeast 27<sup>th</sup> Street, Des Moines, Iowa, as part of the Southeast Connector – SE 23<sup>rd</sup> to SE 30<sup>th</sup> Street Project; and

**WHEREAS**, construction of the Southeast Connector to SE 30<sup>th</sup> Street has now been completed and a portion of the acquired 717 Southeast 27<sup>th</sup> Street (hereinafter "Property"), more particularly described below, is not needed for the above project and has been declared as excess City property; and

**WHEREAS**, on July 26, 2016, requests for bids were mailed to twenty-five potential buyers, two of whom responded by the bid deadline with offers to purchase the Property for residential redevelopment; and

**WHEREAS**, R. M. Madden Construction, Inc. offered to the City the high bid price of \$8,250.00 for the purchase of the Property and proposes to redevelop the Property with 2-3 residential single family homes, subject to the terms and conditions of the Offer to Purchase, which price reflects the fair market value of the Property as determined by independent appraisal; and

**WHEREAS**, there is no known current or future public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

**WHEREAS**, on October 10, 2016 by Roll Call No. 16-1716, it was duly resolved by the City Council that the proposed conveyance of the Property be set down for hearing on October 24, 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.

**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 excess City-owned real property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the excess City-owned property locally



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known as 717 Southeast 27<sup>th</sup> Street, Des Moines, Iowa, legally described as follows, to R. M. Madden Construction, Inc. for \$8,250.00, and said conveyance is hereby approved, subject to reservation of easements therein:

ALL OF LOTS 33 THRU 38, AND PART OF LOTS 39 THRU 41, BLOCK 12, LARISON PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 33, THENCE NORTH 00°(DEGREES) 24'(MINUTES) 03"(SECONDS) WEST, 150.40 FEET ON THE WEST LINE OF SAID BLOCK 12, TO THE FUTURE RIGHT OF WAY LINE OF EAST ML KING JR PKWY; THENCE NORTH 04°22'10" EAST, 18.08 FEET ON SAID RIGHT OF WAY LINE; THENCE 22.79 FEET ON A 15.00 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING OF NORTH 46°35'42" EAST, 20.66 FEET ON SAID RIGHT OF WAY LINE; THENCE SOUTH 89°53'12" EAST, 26.02 FEET ON SAID RIGHT OF WAY LINE; THENCE NORTH 00°06'48" EAST, 27.32 FEET ON SAID RIGHT OF WAY LINE; THENCE SOUTH 69°46'32" EAST, 95.81 FEET ON SAID RIGHT OF WAY LINE TO THE WEST LINE OF A NORTH/SOUTH ALLEY; THENCE SOUTH 00°20'46" EAST, 177.11 FEET ON SAID WEST LINE TO THE SOUTHEAST CORNER OF SAID LOT 33; THENCE NORTH 89°51'20" WEST, 132.38 FEET ON THE SOUTH LINE OF SAID LOT 33 TO THE POINT OF BEGINNING, CONTAINING 0.58 ACRES (25,093 SQ FT) MORE OR LESS.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed 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 \$113.00 for 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. The proceeds associated with the sale of this property will be deposited into the Fed Title 23 Land Sales Account, ST500.

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(Council Communication No. 16- 609)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

*PSW*

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