

★ Roll Call Number

16-2194

Agenda Item Number

54

Date December 19, 2016

HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED SOUTH OF AND ADJOINING 1429 9TH STREET TO SCOTT A. SLAUGHTER AND TODD D. SCHRODER FOR \$25.00

WHEREAS, on August 20, 1990, by Roll Call No. 90-3638, the City Council of the City of Des Moines, Iowa, approved and accepted a quit claim deed from Iowa Children's and Family Services a/k/a Children and Families of Iowa, an Iowa Non-Profit Corporation, conveying to the City of Des Moines, Iowa (hereinafter "City"), a strip of land for public alley purposes located south of and adjoining 1429 9th Street, Des Moines, Iowa; and

WHEREAS, said adjoining parcel at 1429 9th Street has an existing fence that encroaches onto a portion of the City's property and said portion of the City's property is not needed for public alley purposes; and

WHEREAS, Scott A. Slaughter and Todd D. Schroder, owners of the adjoining parcel at 1429 9th Street, have offered to the City the purchase price of \$25.00 for the purchase of a portion of the City's property (hereinafter "Property") for incorporation into their residential property in order to eliminate the existing fence encroachment, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of the property as determined by the City's Real Estate Division; and

WHEREAS, the City has no 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 December 5, 2016, by Roll Call No. 16-2062, 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 December 19, 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 the City-owned property located south of and adjoining 1429 9th Street, as described below, are hereby overruled and the hearing is closed.

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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 City-owned property located south of and adjoining 1429 9th Street, legally described as follows, to Scott A. Slaughter and Todd D. Schroder for \$25.00, and said conveyance be and is hereby approved, subject to a reservation of easements therein:

A PART OF LOT 4, BLOCK "A", THOMPSON'S SUBDIVISION OF LOT 45 OF THE OFFICIAL PLAT OF THE S.E. 1#4 OF SECTION 34-79-24, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 0°(DEGREES) 06'(MINUTES) 01"(SECONDS) EAST, ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 10.18 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 74.84 FEET, WHOSE ARC LENGTH IS 30.63 FEET AND WHOSE CHORD BEARS SOUTH 86°52'16" WEST, 30.41 FEET; THENCE CONTINUING WESTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 974.62 FEET, WHOSE ARC LENGTH IS 130.20 FEET, AND WHOSE CHORD BEARS NORTH 85°13'59" WEST, 130.11 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE NORTH 0°06'11" WEST ALONG SAID WEST LINE, 1.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 89°58'30" EAST ALONG THE NORTH LINE OF SAID LOT, 160.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (1017 SQ. FT.)

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 deliver the original of the Quit Claim Deed and copies of the other documents to the grantees.



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7. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

(Council Communication No. 16- 705)

Moved by Gray 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	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