



Roll Call Number

17-0074

Agenda Item Number

59

Date January 9, 2017

**CONTINUED HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY
CURRENTLY LEASED TO THE DES MOINES AIRPORT AUTHORITY AND
LOCATED NORTH OF AND ADJOINING MCKINLEY AVENUE AT SOUTHWEST
33RD STREET 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, Glen Brown and April Barkley Brown have offered the City of Des Moines, Iowa, \$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 and further subject to all terms of the Deed of Release from the United States on behalf of the FAA, which price reflects the fair market value of the Property as determined by an independent appraisal; and

WHEREAS, on August 9, 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, 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 August 22, 2016, by Roll Call No. 16-1401, 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 resolved that the proposed conveyance of the Property be set down for hearing on September 12, 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, on September 12, 2016, by Roll Call No. 16-1568, the hearing on said proposal was continued to September 26, 2016, in order to allow the Federal Aviation Administration to complete its review of an updated appraisal for the proposed sale and obtain a written grant release of the Property; and

WHEREAS, on September 26, 2016, by Roll Call No. 16-1666, the hearing on said proposal was continued to October 10, 2016, in order to allow the Federal Aviation Administration more time to complete its review of an updated appraisal for the proposed sale and obtain a written grant release of the Property; and



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WHEREAS, on October 10, 2016, by Roll Call No. 16-1767, the hearing on said proposal was continued to November 21, 2016, in order to allow the Federal Aviation Administration to complete its review of an updated appraisal for the proposed sale and obtain a written grant release of the Property; and

WHEREAS, on November 21, 2016, by Roll Call No. 16-2036, the hearing on said proposal was continued to January 9, 2017, in order to allow the Federal Aviation Administration to issue to the Airport Authority a written deed of release of the Property; 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 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 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 along McKinley Avenue at Southwest 33rd Street, 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 all terms of the Deed of Release from the United States on behalf of the FAA and the terms and conditions contained in the Offer to Purchase Real Estate from the City of Des Moines and Acceptance:

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



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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. The Mayor is authorized and directed to sign the Offer to Purchase, Quit Claim Deed, Noise and Avigation Easement, 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 and Noise and Avigation Easement, 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 and Noise and Avigation Easement, 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 to the Des Moines Airport Authority in accordance with federal law.

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(Council Communication No. 17- 007)

Moved by Hensley to adopt.


APPROVED AS TO FORM:



Lisa A Wieland, Assistant City Attorney

RAW

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