

★ Roll Call Number

17-1289

Agenda Item Number

61

Date July 24, 2017

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY
LOCATED AT EAST 18TH STREET AND EASTON BOULEVARD TO DES MOINES
COMMUNITY SCHOOL DISTRICT FOR \$1**

WHEREAS, on September 20, 1982 by Roll Call Nos. 4364 and 4391, and on November 15, 1982 by Roll Call No. 5312 the City Council of the City of Des Moines, Iowa, ("City") approved the acquisition of three (3) lots located at the northwest corner of East 18th Street and Easton Boulevard, locally known as 1252 East 18th Street, 1256 East 18th Street, and Acquisition Parcel M-18 (no address given) (hereinafter "Property"), more particularly described below; and

WHEREAS, on June 4, 2014 the City of Des Moines Real Estate Division mailed letters to area real estate developers and nearby property owners soliciting proposals for the purchase and intended use of the Property, and said solicitation received no responses, and there have been no other proposals received since then; and

WHEREAS, on November 11, 2016 the City of Des Moines Real Estate Division received an email inquiry from Barry Malloy, Home Building instructor for Des Moines Independent Community School District at Central Campus, regarding available vacant City parcels upon which the students of the Home Building class, in coordination with the Central Campus Computer Aided Drafting and Design class, could design and construct a single family home; and

WHEREAS, the Property located at the northwest corner of East 18th Street and Easton Boulevard was offered to Mr. Malloy as a potential option; and

WHEREAS, Des Moines Independent Community School District has requested that the City convey the Property to it in fee simple in accordance with Iowa Code Section 364.7(3) for the public purpose of allowing the students of the Home Building and Computer Aided Drafting and Design classes at Central Campus the opportunity to use the education and skills learned in the classroom to design and construct, from start to finish, under the guidance of their instructors and contractors and tradesmen from the community, a new residential single-family home on a City parcel that has been vacant and off the tax rolls since 1982; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be conveyed and the City will not be inconvenienced by the conveyance of said Property; and

WHEREAS, on July 10, 2017, by Roll Call No. 17-1157, 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 July 24, 2017, 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

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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, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the property located at the northwest corner of East 18th Street and Easton Boulevard proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the property located at the northwest corner of East 18th Street and Easton Boulevard, formerly known as 1252 East 18th Street, 1256 East 18th Street, and Acquisition Parcel M-18 (no address given), legally described as follows, to the Des Moines Independent Community School District in accordance with Iowa Code Section 364.7(3), for the public purpose of class instruction, subject to a reservation of easements therein:

ALL OF LOTS 8 AND 9, AND ALL THAT PART OF LOTS 10 AND 11 LYING NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF EASTON BOULEVARD, SAID NORTHERLY RIGHT OF WAY LINE ESTABLISHED PER DEDICATION PLAT OF SURVEY RECORDED IN BOOK 15318 PAGE 756 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, ALL IN BLOCK 7, DE WOLF'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The Mayor is authorized and directed to sign the 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. 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 document 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 the document to be recorded.
6. Upon receipt of the recorded document 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 grantee.

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7. There will be no proceeds associated with the conveyance of this property.

Moved by Westergaard to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council 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