



Roll Call Number

17-1409

Agenda Item Number

60C

Date August 14, 2017

**SET HEARING FOR APPROVAL OF DOCUMENTS AND CONVEYANCE OF EXCESS CITY PROPERTY LOCATED SOUTH OF AND ADJOINING WEST MARTIN LUTHER KING, JR. PARKWAY AND WEST OF AND ADJOINING SOUTHWEST 11<sup>TH</sup> STREET TO HRC NFS I, LLC FOR \$970,000.00**

**WHEREAS**, the City of Des Moines, Iowa, ("City") is the owner of certain real estate consisting of excess City property located south of and adjoining West Martin Luther King, Jr. Parkway and west of and adjoining Southwest 11<sup>th</sup> Street ("Property"), more particularly described below; and

**WHEREAS**, HRC NFS I, LLC, 6900 Westown Parkway, West Des Moines, IA, 50266, has negotiated with Norfolk Southern Railway an option to purchase the vacant land adjoining the Property; and has offered the City of Des Moines the purchase price of \$970,000.00 for the purchase of said Property for a proposed commercial redevelopment project, contingent upon HRC NFS I, LLC providing City with proof of ownership of the adjoining property currently owned by Norfolk Southern Railway, and further subject to any and all easements, restrictions, and covenants of record on the Property, which price reflects the fair market value of said 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, proposes to sell excess City property located south of and adjoining West Martin Luther King, Jr. Parkway and west of and adjoining Southwest 11th Street, as legally described, to the grantees, and for the consideration identified below, contingent upon the Grantee providing City with proof of ownership of the adjoining property, and subject to a reservation of easements therein:

Grantee: HRC NFS I, LLC  
Consideration: \$970,000.00  
Legal Description:

DISPOSAL PARCEL 12, AS RECORDED ON AUGUST 1, 2008, IN BOOK 12736, PAGE 582, IN THE POLK COUNTY, IOWA RECORDERS OFFICE:

ALL THAT PART OF LOT 82, FACTORY ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 82, AND BEING THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF MARKET STREET; THENCE



Roll Call Number

17-1409

Agenda Item Number

600

Date August 14, 2017

NORTH 84° (DEGREES) 37' (MINUTES) 24" (SECONDS) EAST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE NORTHERLY LINE OF SAID LOT 82, AND BEING THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF MARKET STREET, 199.41 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 82, AND BEING THE INTERSECTION OF THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF MARKET STREET AND THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 11TH STREET; THENCE SOUTH 15°30'24" EAST ALONG THE EASTERLY LINE OF SAID LOT 82, AND BEING THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 11TH STREET, 173.21 FEET; THENCE SOUTH 74°29'36" WEST, 100.00 FEET (MEASURED AND RECORD); THENCE SOUTH 15°30'24" EAST, 75.00 FEET (MEASURED AND RECORD); THENCE SOUTH 74°29'36" WEST, 174.05 FEET TO THE WESTERLY LINE OF SAID LOT 82; THENCE NORTH 00°09'31" WEST ALONG THE WESTERLY LINE OF SAID LOT 82, A DISTANCE OF 293.76 FEET TO THE POINT OF BEGINNING.

BY SURVEY CONTAINING 55,678 SQUARE FEET, OR 1.28 ACRES.

DISPOSAL PARCEL 69N, AS RECORDED ON JUNE 20, 2000, IN BOOK 8523, PAGE 38, IN THE POLK COUNTY, IOWA RECORDERS OFFICE:

ALL THAT PART OF LOT 81, FACTORY ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 81; THENCE SOUTH 15° (DEGREES) 30' (MINUTES) 24" (SECONDS) EAST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ON THE EASTERLY LINE OF SAID LOT 81 (ALSO BEING THE PRESENT WEST RIGHT-OF-WAY LINE OF S.W. 11TH STREET) A DISTANCE OF 123.77 FEET TO THE CORNER OF SAID LOT 81; THENCE SOUTH 38°23'23" WEST ON THE SOUTHEASTERLY LINE OF SAID LOT 81 A DISTANCE OF 96.65 FEET; THENCE SOUTH 80°31'12" WEST A DISTANCE OF 139.23 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 81; THENCE NORTHEASTERLY ON THE NORTHWESTERLY LINE OF SAID LOT 81 BEING A 786.82-FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY AND HAVING A 101.91-FOOT LONG CHORD BEARING NORTH 34°40'37" EAST A DISTANCE OF 101.98 FEET (ARC LENGTH); THENCE NORTH 38°23'23" EAST ON THE NORTHWESTERLY LINE OF SAID LOT 81 A DISTANCE OF 171.15 FEET TO THE POINT OF BEGINNING.

BY SURVEY CONTAINING 18,592 SQUARE FEET.

2. A public hearing shall be held on August 28, 2017, 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





Roll Call Number

17-1409

Agenda Item Number

60C

Date August 14, 2017

time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. The proceeds from the sale of this property shall be deposited into the following account: 2017-18 CIP, Street Improvements - 15, Fed Title-23 Land Sales, ST500.

Moved by Hensley 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	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