



Roll Call Number

17-1691

Agenda Item Number

54

Date September 25, 2017

**HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCATED AT THE INTERSECTION OF 16<sup>TH</sup> STREET AND DAY STREET AND AT 645 SOUTHEAST 26<sup>TH</sup> COURT TO WE CAN BUILD IT, L.C. FOR \$6,500.00**

**WHEREAS**, the City of Des Moines, Iowa, ("City") is the owner of certain real estate located at the intersection of 16<sup>th</sup> Street and Day Street, and of certain real estate located at the intersection of Southeast 26<sup>th</sup> Court and East Martin Luther King, Jr. Parkway, locally known as 645 Southeast 26<sup>th</sup> Court (together hereinafter "Property"), more particularly described below; and

**WHEREAS**, We Can Build It, L.C. has offered to the City of Des Moines, Iowa, the purchase price of \$6,500.00 for the purchase of said Property in order to construct new, affordable single- family homes on the Property, which price reflects the fair market value of said Property as determined by the City's Real Estate Division; 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; and

**WHEREAS**, on September 11, 2017, by Roll Call No. 17-1556, 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 September 25, 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

**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 vacant City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of certain real estate located at the intersection of 16<sup>th</sup> Street and Day Street, and certain real estate located at the intersection of Southeast 26<sup>th</sup> Court and East Martin Luther King, Jr. Parkway, locally known as 645 Southeast 26<sup>th</sup> Court, 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 a reservation of easements therein:

Grantee: We Can Build It, L.C.



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Consideration: \$6,500.00

Legal Description:

**16TH STREET PARCEL (\$4,000.00):**

ALL OF LOT 28, AND THE SOUTH 10 FEET OF LOT 27, CURL AND SMOUSE'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6250 SQUARE FEET.

**SE 26TH COURT PARCEL (\$2,500.00):**

ALL OF LOT 48, PART OF LOTS 2, 3, AND 49 THRU 51, AND PART OF THE VACATED NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 2 AND 3, ALL IN BLOCK 9, 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 48, THENCE NORTH 00°(DEGREES) 17'(MINUTES) 06"(SECONDS) WEST, 46.61 FEET ON THE WEST LINE OF SAID BLOCK 9 TO THE FUTURE RIGHT OF WAY LINE OF EAST ML KING JR PKWY; THENCE NORTH 89°42'54" EAST, 10.47 FEET ON SAID FUTURE RIGHT OF WAY LINE; THENCE NORTH 20°58'28" EAST, 40.76 FEET ON SAID FUTURE RIGHT OF WAY LINE; THENCE SOUTH 69°01'32" EAST, 114.00 FEET ON SAID FUTURE RIGHT OF WAY LINE TO THE WEST LINE OF SAID VACATED NORTH/SOUTH ALLEY; THENCE SOUTH 85°23'49" EAST, 14.05 FEET ON SAID FUTURE RIGHT OF WAY LINE TO THE EAST LINE OF SAID VACATED NORTH/SOUTH ALLEY; THENCE SOUTH 73°20'17" EAST, 110.89 FEET ON SAID FUTURE RIGHT OF WAY LINE; THENCE SOUTH 89°46'29" WEST, 113.08 FEET; THENCE SOUTH 00°17'09" EAST, 10.00 FEET; THENCE SOUTH 89°46'29" WEST, 138.49 FEET ON THE SOUTH LINE OF SAID LOT 48 AND IT'S EASTERLY EXTENSION THEREOF TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES (10,496 SQ FT) MORE OR LESS.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deeds 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 Deeds, 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 Deeds, 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.

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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 Deeds and copies of the other documents to the grantee.


7. Proceeds from the sale of the 16<sup>th</sup> Street parcel (\$4,000.00) will be used to support general operating budget expenses: Org – EG064090.

8. Proceeds from the sale of 645 Southeast 26<sup>th</sup> Court (\$2,500.00) will be deposited into the Fed Title 23 Land Sales Account, ST500.

(Council Communication No. 17- 695)

Moved by Gatto to adopt.

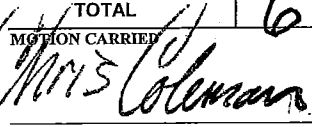
APPROVED AS TO FORM:

  
Lisa A. Wieland, Assistant City Attorney

*PCW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

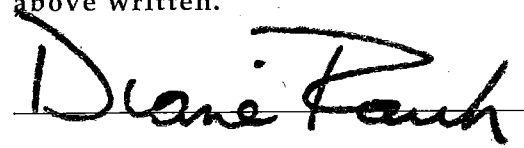
MOTION CARRIED APPROVED

 MAYOR PRO TEM

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.

 City Clerk