



Roll Call Number

17-1778

Agenda Item Number

51 A

Date October 9, 2017

APPROVING REVISED SITE BOUNDARY FOR THE MUNICIPAL SERVICES CENTER - PHASE 2 PROJECT AND ACCEPTANCE OF REAL ESTATE DOCUMENTS FOR VOLUNTARY ACQUISITION OF PROPERTY LOCATED AT 1700 MAURY STREET FROM S & P PROPERTIES, L.C. FOR THE MUNICIPAL SERVICES CENTER – PHASE 2 PROJECT

WHEREAS, by Roll Call No. 17-0828, on May 8, 2017, the City Council of the City of Des Moines, Iowa, authorized City staff to proceed with acquisition of the necessary property interests for the Municipal Services Center – Phase 2 Project by gift, negotiation, or eminent domain; and

WHEREAS, S & P Properties, L.C. owns the industrial property located at 1700 Maury Street and the City’s Real Estate Division has reached a negotiated settlement for the voluntary acquisition of such property for \$3,000,000.00, which price reflects the estimated fair market value of the property based on independent appraisals obtained by both parties; and

WHEREAS, the City will be responsible for paying relocation costs to Helena Chemical Company in order to terminate their lease early and to relocate their warehouse operation to a new location, and S & P Properties, L.C. is solely responsible for the termination of all other leases and any relocation costs for all other tenants prior to closing; and

WHEREAS, the City’s acceptance of this property will allow the site boundary for the Municipal Services Center – Phase 2 Project to shift to the east, which will eliminate or reduce the acquisition needs from several other property owners that were previously identified for acquisition along the west side of the original site boundary; and

WHEREAS, the Real Estate Division of the Engineering Department recommends approval of this voluntary property acquisition and for authorization to proceed with acquisition of the remaining properties required for the revised site boundary at this time, which will allow the City to have the entire project site available for construction of the full build-out of the Municipal Services Center – Phase 2 Project when needed; and

WHEREAS, independent appraisals will be obtained for the remaining properties needed for the entire Phase 2 site boundary and the appraised values will be submitted to the City Council, or City Manager, as applicable, for approval of fair market values and authorization to proceed with acquisition of said additional properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the following documents conveying a fee simple property interest to the City, recommended for approval and acceptance by the Real Estate Division of the Engineering Department and on file in the office of the City Clerk, be and are hereby approved and accepted as follows:

- Property Owner: S & P Properties, L.C.
- Property Location: 1700 Maury Street, Des Moines, Iowa 50317
- Document Type: Offer to Purchase Real Estate and Acceptance; Warranty Deed
- Consideration: \$3,000,000.00 (Plus Closing and Relocation Costs)

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Legal Description:

EXCEPT FOR A PARCEL DEEDED TO THE NORFOLK AND WESTERN RAILWAY COMPANY, LOT 4, LOT 5 AND LOT 6 OF THE OFFICIAL PLAT OF LOTS 52, 53 AND 54 OF BROOKS AND COMPANY ADDITION TO THE CITY OF DES MOINES, POLK COUNTY, IOWA, ALONG WITH VACATED PLATTED RAILROAD RIGHT-OF-WAYS LYING BETWEEN SAID LOTS AND VACATED SE 16TH STREET BETWEEN SAID LOT 4 OF THE OP OF LOTS 52, 53 AND 54 OF BROOKS AND COMPANY ADDITION AND HAWTHORN GROVE, AN OFFICIAL PLAT IN THE CITY OF DES MOINES WITH THE WHOLE PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF LOT 11, BLOCK 6, HAWTHORN GROVE, AN OFFICIAL PLAT IN DES MOINES, POLK COUNTY, IOWA; THENCE N00°(DEGREES) 16'(MINUTES) 16"(SECONDS) WEST ALONG THE WEST LINE OF LOT 11 THROUGH LOT 17, BLOCK 6, HAWTHORN GROVE FOR 280.00 FEET TO THE NORTHWEST CORNER OF LOT 17, HAWTHORN GROVE; THENCE N89°59'54" EAST ALONG THE NORTH LINE OF SAID LOT 17 TO THE WEST LINE OF THE VACATED SE 16TH STREET RIGHT-OF-WAY; THENCE N00°16'16" WEST ALONG SAID WEST LINE FOR 433.47 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE S69°47'41" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 523.00 FEET; THENCE S01°20'19" WEST FOR 308.34 FEET; THENCE S31°20'19" WEST FOR 34.00 FEET; THENCE S01°20'19" WEST FOR 78.00 FEET; THENCE S88°09'41" EAST FOR 35.00 FEET; THENCE N01°20'19" EAST FOR 410.00 FEET TO THE SAID BURLINGTON NORTHERN SOUTHERLY RIGHT-OF-WAY; THENCE S69°57'02" EAST ALONG SAID RIGHT-OF-WAY FOR 637.93 FEET; THENCE S65°24'46" EAST ALONG SAID SOUTHERLY LINE FOR 85.87 FEET TO THE WEST RIGHT-OF-WAY LINE OF SE 18TH STREET; THENCE SOUTH 00°17'52" EAST ALONG SAID WEST LINE FOR 234.64 FEET TO THE NORTHERLY LINE OF MAURY STREET; THENCE S87°02'45" WEST ALONG SAID NORTHERLY LINE FOR 750.38 FEET; THENCE S89°59'54" WEST ALONG SAID NORTHERLY LINE FOR 535.00 FEET TO THE POINT OF BEGINNING, EXCEPT LOTS 11, 12, 13, 14, 15, 16 AND 17, BLOCK 6, HAWTHORN GROVE;

AND

THE SOUTH 30 FEET AND ADJACENT SCOTT AVENUE VACATED CRI&P RAILROAD RIGHT-OF-WAY THROUGH OP LOTS 52, 53 AND 54, BROOKS & CO. ADDITION, DES MOINES, POLK COUNTY, IOWA;

AND

LOT 2 OF THE OFFICIAL PLAT OF LOTS 52, 53 AND 54 OF BROOKS AND COMPANY ADDITION TO THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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That the Finance Director is authorized and directed to issue checks to pay any costs certified by the Legal Department and the Engineering Department, and the Real Estate Division Manager is authorized and directed to obtain the checks, if any, needed to carry out this transaction and to deliver them to the payee(s).

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.

That the Chief Deputy City Clerk is hereby authorized and directed to endorse upon the Warranty Deed the approval and acceptance of this Council; the Mayor is authorized and directed to sign the Offer to Purchase Real Estate and Acceptance and all necessary real estate documents associated with this acquisition; and the Chief Deputy City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

The project site boundaries for the Municipal Services Center – Phase 2 Project are hereby revised as attached hereto, and the Real Estate Division of the Engineering Department is hereby authorized to proceed with appraisals for the remaining properties required for the entire Phase 2 site boundary.

(Council Communication No. 17-730)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTL	7			
MOTION CARRIED				

T. M. Franken *Council* Mayor

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