

★ Roll Call Number

17-2135

Agenda Item Number

20

Date December 18, 2017

**RECEIVE AND FILE COMMUNICATION FROM THE DES MOINES AIRPORT
AUTHORITY BOARD RECOMMENDING THE SALE OF EXCESS CITY-OWNED
REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF MCKINLEY
AVENUE AND SOUTHWEST 31ST STREET AND SET HEARING FOR CONVEYANCE
OF SUCH PROPERTY TO JOHN P. BRASWELL FOR \$40,000**

WHEREAS, the Des Moines Airport Authority Board has been approached by John P. Braswell, for the sale of excess City-owned real property located at the northwest corner of McKinley Avenue and Southwest 31st Street, Des Moines, Iowa (“Property”), more particularly described herein, to allow for redevelopment of the property; and

WHEREAS, said Property is currently owned by the City of Des Moines, Iowa (“City”) and leased to the Des Moines Airport Authority (“DMAA”); and

WHEREAS, on December 12, 2017, by Roll Call No. 3B, the DMAA Board recommended the City proceed with the proposed sale of said Property; and

WHEREAS, on November 8, 2017, subject to obtaining a noise and avigation easement, the Federal Aviation Administration has approved of the proposed sale of said Property and issued a Deed of Release; and

WHEREAS, John P. Braswell has offered the City of Des Moines \$40,000 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, which price reflects the fair market value of the 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, hereby receives and files the recommendation from the Des Moines Airport Authority to sell the excess City-owned real property located at the northwest corner of McKinley Avenue and Southwest 31st Street, Des Moines, Iowa.
2. The City Council of the City of Des Moines, Iowa, proposes to sell the excess City-owned real property located at the northwest corner of McKinley Avenue and Southwest 31st Street, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, subject to obtaining both noise and avigation easements therein and a reservation of easements

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therein, and further subject to the terms and conditions contained in the Offer to Purchase Real Estate from the City of Des Moines and Acceptance:

Grantee: John P. Braswell

Consideration: \$40,000.00

Legal Description: PARCEL A, AS DEPICTED IN THE PLAT OF SURVEY RECORDED ON MAY 19, 2014 IN BOOK 15189, PAGE 475 IN THE OFFICE OF THE POLK COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOTS 2, 3, 4, & 5 AIRPORT HEIGHTS, AN OFFICIAL PLAT, 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 2; THENCE SOUTH 00°14'58" WEST, A DISTANCE OF 156.64 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 24°02'55" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 65°20'37" WEST 318.12 FEET; THENCE WESTERLY AND NORTHWESTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, A DISTANCE OF 320.46 FEET; THENCE NORTH 00°11'57" EAST, A DISTANCE OF 25.11 FEET; THENCE SOUTH 89°45'58" EAST, A DISTANCE OF 289.71 FEET TO THE POINT OF BEGINNING, CONTAINING 0.69 ACRES, MORE OR LESS, AND SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF RECORD.

3. A public hearing shall be held on January 8, 2018, 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 time, the City Council will consider the above-described proposals and any other(s) submitted prior to or during the public hearing.
4. The City Clerk is hereby authorized and directed to publish notice of said proposals and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. 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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MOVED by Hensley to adopt.

Approved as to Form:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

BW

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