



Roll Call Number

18-0079

Agenda Item Number

54

Date January 8, 2018

HOLD HEARING FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY CURRENTLY LEASED TO THE DES MOINES AIRPORT AUTHORITY AND LOCATED AT THE NORTHWEST CORNER OF MCKINLEY AVENUE AND SOUTHWEST 31ST STREET 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, John P. Braswell has offered the City of Des Moines, Iowa, \$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 and avigation, and existing utilities, which price reflects the fair market value of the Property as determined by an independent appraisal; and

WHEREAS, on December 12, 2017, by Roll Call No. A17-183, 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, the City has no current or anticipated public need for the Property, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on December 18, 2017, by Roll Call No. 17-2135, the City Council of the City Des Moines, Iowa voted to receive and file the Des Moines Airport Authority Board's recommendation to proceed with the sale; and resolved that the proposed conveyance of the Property be set down for hearing on January 8, 2018, 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:



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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the excess City-owned real property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of 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, and said conveyance be and is hereby approved, subject to obtaining both noise and avigation easements and a reservation of easements 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. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed and all other associated documents approved by the City's Legal Department, 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 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 documents to be recorded.



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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 these documents to be recorded.

6. Upon receipt of the recorded documents 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 grantees.

7. 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.

(Council Communication No. 18- 014)

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk