



Roll Call Number

18-0313

Agenda Item Number

51

Date February 19, 2018

HOLD HEARING FOR CONVEYANCE OF A PORTION OF EXCESS CITY-OWNED PROPERTY LOCATED AT 915 COLLEGE AVENUE TO CFUM, LLC FOR \$97,174

WHEREAS, the City of Des Moines, Iowa ("City") is the owner of certain real estate located at the northwest corner of 9th Street and College Avenue, locally known as 915 College Avenue, Des Moines, Iowa ("Property"), more particularly described below; and

WHEREAS, CFUM, LLC ("Developer"), represented by Jake Christensen, has offered to the City of Des Moines, Iowa, the purchase price of \$97,174.00 for the purchase of said Property in order to construct a new facility to house Children and Family Urban Movement ("CFUM"), in substantial accordance with a site plan approved by the City of Des Moines, which price reflects the fair market value of said Property as determined by independent appraisal reviewed by the City's Real Estate Division; and

WHEREAS, City staff and the Developer have determined that the purchase price should be subject to a closing credit for costs to be incurred by Developer for relocation of the Old Dowling Monument within the Property, with said credit being equal to an amount reflecting the lowest of up to three bids estimating the Buyer's cost to perform the relocation work and not to exceed \$9,500.00 and

WHEREAS, the sale of said Property is further subject to the terms, conditions and special provisions contained in the Offer to Purchase Real Estate and Acceptance, including but not limited to: (1) a use restriction requiring the north 50 feet of the Property to be maintained as open green space or parking area; (2) reservation of the right by the City to purchase all or a portion of said north 50 feet of the Property at \$2.00 per square foot, and subject to the City's reconfiguration of any then-existing parking lot on the Property to provide the same number of parking spaces at City's cost; and (3) the covenant that Developer will relocate the Old Dowling Monument within the Property or to the current Dowling Catholic campus in West Des Moines, at Developer's expense subject to the closing credit described above; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on February 5, 2018 by Roll Call No. 18-0195 it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of Property be set down for hearing on February 19, 2018, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; 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.





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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of excess City-owned real property located at the northwest corner of 9th Street and College Avenue, locally known as 915 College Avenue, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the northwest corner of 9th Street and College Avenue, locally known as 915 College Avenue, Des Moines, Iowa, and legally described as follows, to CFUM, LLC for \$97,174.00, subject to the terms stated above and contained in the Offer to Purchase Real Estate and Acceptance:

PARCEL 2017-221

PART OF LOTS 2 AND 3 IN OLD DOWLING PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 89°(DEGREES) 30'(MINUTES) 24"(SECONDS) WEST, 166.68 FEET ALONG THE SOUTH LINES OF SAID LOTS 2 AND 3; THENCE NORTH 00°00'00" EAST, 291.24 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 89°41'59" EAST, 166.67 FEET ALONG THE NORTH LINE OF SAID LOT 2 TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00°00'00" WEST, 291.80 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING. CONTAINING 48,587 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed 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 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.
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 grantee.



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7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 18-071)

MOVED BY Gray TO ADOPT.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

PTW

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.

Diane Rauh

City Clerk

T. M. Franklin Cownie Mayor