



Roll Call Number

18-1118

Agenda Item Number

57

Date June 25, 2018

HOLD HEARING FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED SOUTH OF AND ADJOINING 1330 AND 1420 MULBERRY STREET TO CENTRAL IOWA SHELTER SERVICES FOR \$1,000.00

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain real estate located north of Martin Luther King, Jr. Parkway between 12th Street and 16th Street, and south of and adjoining 1330 and 1420 Mulberry Street (hereinafter "Property"), more particularly described below; and

WHEREAS, Central Iowa Shelter & Services, owner of 1420 Mulberry Street which adjoins the Property, and has offered to the City of Des Moines the purchase price of \$1,000.00 for the purchase of such Property in order to incorporate it into their adjoining property, which price reflects the restricted-use fair market value of the Property as currently estimated by the City's Real Estate Division; and

WHEREAS, the conveyance of said Property is subject to an easement for Storm Water Detention, Surface Water Flowage, Storm Sewer, and for any other utilities currently in place, or needed in the future; and

WHEREAS, other than the easement reservation above, the City has no other 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.

WHEREAS, on June 11, 2018 by Roll Call No. 18-0986 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 June 25, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Property was given to all necessary parties 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, 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 property located north of Martin Luther King, Jr. Parkway between 12th Street and 16th Street, and south of and adjoining 1330 and 1420 Mulberry Street, as described herein, are hereby overruled and the hearing is closed.

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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 property located north of Martin Luther King, Jr. Parkway between 12th Street and 16th Street, and south of and adjoining 1330 and 1420 Mulberry Street, legally described as follows, to Central Iowa Shelter & Services for \$1,000.00, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

ALL THAT PART OF SW 16TH STREET, AND PART OF LOTS 5, 6 AND 7 IN BLOCK 42 OF LYON'S ADDITION TO FORT DES MOINES, AND PART OF THE VACATED ALLEY LYING BETWEEN LOTS 6 AND 7 IN BLOCK 42 OF LYON'S ADDITION TO FORT DES MOINES, AND PART OF VACATED MULBERRY STREET, AND PART OF LOT 5 OF THE OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND PART OF LOTS 13, 2 AND 3 OF THE OFFICIAL PLAT OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND PART OF LOT 5 OF KEENE AND POINDEXTER'S OFFICIAL PLAT, AND PART OF VACATED CHERRY STREET, AND LOTS 1, 2, 3, 4, 5, 6, AND 7 IN BLOCK 32 OF KEENE AND POINDEXTER'S ADDITION TO FORT DES MOINES, AND PART OF THE VACATED ALLEY LYING BETWEEN LOTS 4 AND 5 IN BLOCK 32 OF KEENE AND POINDEXTER'S ADDITION TO FORT DES MOINES, AND PART OF THE VACATED ALLEY LYING BETWEEN LOTS 2 AND 3 IN BLOCK 32 OF KEENE AND POINDEXTER'S ADDITION TO FORT DES MOINES, AND PART OF THE VACATED ALLEY LYING BETWEEN LOTS 1,2 AND 7 IN BLOCK 32 OF KEENE AND POINDEXTER'S ADDITION TO FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1 IN BLOCK 33 OF KEENE AND POINDEXTER'S ADDITION TO FORT DES MOINES, ALSO BEING THE NORTHEASTERLY CORNER OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE, SAID CORNER IS ON THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET; THENCE SOUTH 74° (DEGREES) 10' (MINUTES) 15" (SECONDS) WEST ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION ON THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET, ALSO BEING THE NORTHWESTERLY LINE OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE, 300.00 FEET TO THE NORTHWESTERLY CORNER OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE, ALSO BEING THE NORTHEASTERLY CORNER OF PARCEL 'A' THAT IS DESCRIBED IN BOOK 13708, PAGES 770-776 IN THE POLK COUNTY RECORDER'S OFFICE; THENCE SOUTH 15°13'48" EAST ON THE SOUTHWESTERLY LINE OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE, ALSO BEING THE NORTHEASTERLY LINE OF PARCEL 'A' THAT IS DESCRIBED IN BOOK 13708, PAGES 770-776 IN THE POLK COUNTY RECORDER'S OFFICE, 347.00 FEET TO THE SOUTHWESTERLY CORNER OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE, ALSO BEING THE SOUTHEASTERLY CORNER OF



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PARCEL 'A' THAT IS DESCRIBED IN BOOK 13708, PAGES 770-776 IN THE POLK COUNTY RECORDER'S OFFICE, BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 74°10'15" EAST ON THE SOUTHEASTERLY LINE OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE, 300.00 FEET TO THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE; THENCE SOUTH 15°13'49"EAST ON THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THE PARCEL OF LAND THAT IS DESCRIBED IN BOOK 13886, PAGES 282-283 IN THE POLK COUNTY RECORDER'S OFFICE, 221.20 FEET TO THE PRESENT NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD; THENCE WESTERLY ON THE PRESENT NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD, BEING A 2389.42-FOOT RADIUS CURVE CONCAVE NORTHERLY AND HAVING A 31.30-FOOT LONG CHORD BEARING SOUTH 88°11'04" WEST, 31.30 FEET (ARC LENGTH); THENCE NORTHWESTERLY ON THE PRESENT NORTHERLY AND NORTHEASTERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AND THE PRESENT NORTHEASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, BEING A 2832.88-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY AND HAVING A 988.93-FOOT (987.91 FEET RECORD) LONG CHORD BEARING NORTH 81°23'44" WEST, 994.02 FEET (992.98 FEET RECORD) (ARC LENGTH); THENCE NORTH 71°21'36" WEST ON THE PRESENT NORTHEASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, 289.65 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 16TH STREET; THENCE NORTH 15°33'29" WEST ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 16TH STREET, 21.76 FEET TO THE NORTHEASTERLY LINE OF THE NORTHEASTERLY 18.00 FEET OF THE ORIGINAL CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE NORTH 71°21'36" WEST ON THE NORTHEASTERLY LINE OF THE NORTHEASTERLY 18.00 FEET OF THE ORIGINAL CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY, 47.79 FEET TO THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE SOUTHWEST 15TH STREET/SOUTHWEST 16TH STREET CONNECTOR; THENCE NORTHEASTERLY ON THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE SOUTHWEST 15TH STREET/SOUTHWEST 16TH STREET CONNECTOR, BEING A 162.42-FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY AND HAVING A 132.02-FOOT LONG CHORD BEARING NORTH 52°37'56" EAST, 135.95 FEET (ARC LENGTH); THENCE NORTHEASTERLY ON THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE SOUTHWEST 15TH STREET/SOUTHWEST 16TH STREET CONNECTOR, BEING A 261.28-FOOT RADIUS CURVE CONCAVE NORTHWESTERLY AND HAVING A 27.93-FOOT LONG CHORD BEARING NORTH 72°02'25" EAST, 27.94 FEET (ARC LENGTH); THENCE SOUTHEASTERLY ON THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE SOUTHWEST 15TH STREET/SOUTHWEST 16TH STREET CONNECTOR AND THE PRESENT SOUTHWESTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET, BEING A 15.00-FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY AND HAVING A 16.12-FOOT LONG CHORD BEARING SOUTH 78°31'26" EAST, 17.02 FEET (ARC LENGTH); THENCE SOUTHEASTERLY ON THE PRESENT SOUTHWESTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET, BEING A 208.00-FOOT RADIUS CURVE CONCAVE NORTHEASTERLY AND HAVING A 201.91-FOOT LONG CHORD BEARING SOUTH 75°03'38" EAST, 210.82 FEET (ARC LENGTH); THENCE NORTH 74°11'28" EAST ON THE PRESENT

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SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET, 47.74 FEET; THENCE NORTH 74°10'15" EAST ON THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET, 128.51 FEET TO THE WESTERLY LINE OF PARCEL 'A' THAT IS DESCRIBED IN BOOK 13708, PAGES 770-776 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 15°13'48" EAST ON THE WESTERLY LINE OF SAID PARCEL 'A', 181.50 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 'A'; THENCE SOUTH 76°23'32" EAST ON SAID SOUTHWESTERLY LINE OF SAID PARCEL 'A', 336.74 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL 'A'; THENCE NORTH 74°10'15" EAST ON THE SOUTHEASTERLY LINE OF SAID PARCEL 'A', 105.00 FEET TO THE POINT OF BEGINNING. CONTAINING 186,162 SQUARE FEET OR 4.27 ACRES.

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



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(Council Communication No. 18- 331)

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

psw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
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.

[Signature]

City Clerk