



**Roll Call Number**

18-1247

**Agenda Item Number**

23A

**Date** July 23, 2018

**RESOLUTION TO AUTHORIZE VOLUNTARY ACQUISITION AND TO APPROVE AND ACCEPT REAL ESTATE DOCUMENTS FOR PROPERTY LOCATED AT 4144 HUBBELL AVENUE FROM DIPAK S. PATEL AND SUREKHABEN D. PATEL FOR \$795,000 FOR THE NORTHEAST DES MOINES FIRE STATION PROJECT**

**WHEREAS**, Dipak S. Patel and Surekhaben D. Patel own the Relax Inn located at 4144 Hubbell Avenue (“Property”) and have offered to sell said property to the City of Des Moines for the Northeast Des Moines Fire Station Project; and

**WHEREAS**, City staff has negotiated a purchase price of \$795,000.00 for the voluntary acquisition of the Property, which is within the range of the fair market value of the Property, as determined by an independent appraisal obtained by the City; and

**WHEREAS**, the City’s voluntary purchase of the property is subject to an environmental review of the property, including soil and groundwater sampling to determine if any contamination exists, and if the environmental testing results are favorable, the City will proceed with closing; and

**WHEREAS**, prior to closing on the Property, Dipak S. Patel and Surekhaben D. Patel will be required to remove all personal property from the Property at their sole cost and expense, and without any relocation assistance from the City.

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

1. That the City’s voluntary purchase of 4144 Hubbell Avenue from Dipak S. Patel and Surekhaben D. Patel for the Northeast Des Moines Fire Station Project in consideration of \$795,000 is hereby authorized and approved; and
2. That the documents conveying real property to the City of Des Moines, as on file in the office of the City Clerk and as recommended for approval and acceptance by City staff, be and are hereby approved and accepted as follows:

Property Owner:	Dipak S. Patel and Surekhaben D. Patel
Property Location:	4144 Hubbell Avenue, Des Moines, Iowa 50317
Document Type:	Offer to Purchase Real Estate and Acceptance; Warranty Deed
Fair Market Value:	\$795,000.00 (Plus Closing Costs)

3. That the Mayor is hereby authorized and directed to execute the Offer to Purchase Real Estate and Acceptance and the Warranty Deed; and, following the City’s environmental review and the Patels’ removal of all personal property therein, approval as to form by the City’s Legal Department, the Mayor and/or City Clerk, as applicable, are hereby authorized and directed to endorse upon any and all other related documents the approval and acceptance of this Council; and the City Clerk is further

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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.

- 4. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete the transaction in accordance with standard real estate practices.
- 5. 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.

(Council Communication No. 18-388)

Moved by Gatto 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			

APPROVED  
T. M. Franklin 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 City Clerk