



Roll Call Number

18-1786

Agenda Item Number

49

Date October 22, 2018

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF
A PORTION OF EXCESS CITY-OWNED PROPERTY LOCATED AT 2607
SUNSET ROAD TO 205 LAND INVESTMENTS, L.L.C. FOR \$1,332.00**

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate locally known as 2607 Sunset Road, Des Moines, Iowa, (hereinafter “Property”), more particularly described below, which property was acquired in 1994 as part of the FEMA 1993 Flood Mitigation Buyout – City-wide Project; and

WHEREAS, on April 25, 2017 the City received notification from the U.S. Department of Homeland Security’s Federal Emergency Management Administration (FEMA) that the City’s request to proceed with the sale and redevelopment of the properties acquired for the FEMA 1993 Flood Mitigation Buyout – City-wide Project was approved; and

WHEREAS, 205 Land Investments, L.L.C., owner of 2611 Sunset Road, which property adjoins the Property, has offered to the City of Des Moines, Iowa, the purchase price of \$1,332.00 for the purchase of the western 3 feet of said Property in order to mitigate an existing building encroachment, subject to a reservation of easements therein, which price reflects the fair market value of said Property as determined by the City’s Real Estate Division; 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; and

WHEREAS, on October 8, 2018, by Roll Call No. 18-1664, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on October 22, 2018, at 5:00 p.m., in the City Council Chambers; 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of a portion of certain City of Des



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Moines real estate locally known as 2607 Sunset Road, 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 a reservation of easements therein:

Grantee: 205 Land Investments, L.L.C.

Consideration: \$1,332.00

Legal Description:

THE WEST 3 FEET OF LOT 76, VALLEY GARDENS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 666 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 the 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.
4. Non-project related land sale proceeds are used to support general operating budget expenses:
Org – EG064090.



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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

[Signature] 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