



Roll Call Number

18-18666

Agenda Item Number

45

Date November 5, 2018

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF
EXCESS CITY-OWNED PROPERTY LOCATED AT 4200 HUBBELL AVENUE
TO MARTIN J. ERMELS AND KATHLEEN ERMELS FOR \$156,448.00**

WHEREAS, on May 16, 2018 the City of Des Moines, Iowa, (“City”) acquired from Kum and Go, L.C. certain real estate locally known as 4200 Hubbell Avenue, Des Moines, Iowa, for the East 42nd Street and Hubbell Avenue Intersection Improvements Project (“Project”); and

WHEREAS, the portion of the Project located at 4200 Hubbell Avenue has been completed and the City of Des Moines City Engineer has determined that the remaining portion of said property, more particularly described below, including the improvements thereon, (hereinafter “Property”) is not needed for the Project; and

WHEREAS, in accordance with Iowa Code §306.23, notice was given to all necessary parties and no competing offers were received by the City; and

WHEREAS, Martin J. Ermels and Kathleen Ermels have offered to the City of Des Moines, Iowa, the purchase price of \$156,448.00 for the purchase of said Property in order to relocate their existing bookkeeping business, subject to a reservation of easements therein and further subject to a no-build easement, which price reflects the fair market value of said Property based on an independent appraisal obtained by the City; 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 22, 2018, by Roll Call No. 18-1751, 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 November 5, 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.



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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 certain real estate locally known as 4200 Hubbell Avenue, 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 and the reservation of a no-build easement:

Grantee: Martin J. Ermels and Kathleen Ermels

Consideration: \$156,448.00

Legal Description: LOT 11 in CAPITOL HEIGHTS, REPLAT, an Official Replat of Capitol Heights, according to the recorded plat thereof, now included in and forming a part of the City of Des Moines, Iowa.

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.

7. Proceeds from the sale of this property will be deposited to the East 42nd Street and Hubbell Avenue Intersection Improvements Project: Org – C038EG99.

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(Council Communication No. 18-546)

Moved by Westergaard to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

rsn

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

MOTION CARRIED APPROVED
J. M. Frank 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.

Diane Rauh City Clerk