



Roll Call Number

18-1906

Agenda Item Number

19

Date November 19, 2018

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED WEST OF AND ADJOINING 2418 SUNSET ROAD TO BARBER BROTHERS ENTERPRISES, L.L.C. FOR \$35,488.00

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain excess real estate located west of and adjoining 2418 Sunset Road, a portion of which is locally known as 2504 Sunset Road, Des Moines, Iowa, (hereinafter "Property"), more particularly described below; and

WHEREAS, a portion of the Property was acquired under the 1993 FEMA Hazard Mitigation Grant Program in the Valley Gardens area, which area is now protected by levee; and

WHEREAS, on April 25, 2017 the City received notification from the U.S. Department of Homeland Security's Federal Emergency Management Administration that the City's request to proceed with the sale and redevelopment of the Valley Gardens properties, acquired under the 1993 FEMA Hazard Mitigation Grant Program, was approved; and

WHEREAS, pursuant to 44 CFR 80.19(a)(4), current FEMA practice prohibits any future federal disaster assistance to be provided to the Valley Gardens properties acquired under the 1993 FEMA Hazard Mitigation Grant Program; and

WHEREAS, Barber Brothers Enterprises, L.L.C. has offered to the City of Des Moines, Iowa, the purchase price of \$35,488.00 for the purchase of said Property in order to assemble it with the adjoining property for expansion of its existing commercial business and for all legal purposes, subject to a reservation of easements therein and further subject to the reservation of a Permanent Easement for Sanitary Sewer Right-of-Way and Pump Station over Lot 94, -except the west 10 feet thereof-, and the west 35 feet of the South 70 feet of Lot 95, all in Valley Gardens, which will be included in the Quit Claim Deed, which price reflects the restricted fair market value of said Property as determined by the City's Real Estate Division; and

WHEREAS, except for the easement reservations described above, 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.

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

- 1. The City Council of the City of Des Moines, Iowa, proposes to sell certain City of Des Moines real estate located west of and adjoining 2418 Sunset Road, a portion of which is locally known as 2504 Sunset Road, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein and further subject to the reservation of a Permanent Easement for Sanitary Sewer Right-of-Way and Pump Station over Lot 94, -except the west 10 feet thereof-, and the west 35 feet of the South 70 feet of Lot 95, all in Valley Gardens, which will be included in the Quit Claim Deed from the City of Des Moines to Barber Brothers Enterprises, L.L.C., to allow for continued City access to the sanitary sewer line and pump station located on said parcel:



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Grantee: Barber Brothers Enterprises, L.L.C.

Consideration: \$35,488.00

Legal Description:

LOT 94 AND LOT 95, -EXCEPT THE WEST 10 FEET OF SAID LOT 94-, 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 0.56 ACRES (24,420 SQUARE FEET).

- 2. A public hearing shall be held on December 3, 2018, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. Non-project related land sale proceeds are used to support general operating budget expenses: Org - EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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]

[Signature] City Clerk