



Roll Call Number

18-2010

Agenda Item Number

38

Date December 3, 2018

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY-OWNED 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, 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; and

**WHEREAS**, on November 19, 2018, by Roll Call No. 18-1906, 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 December 3, 2018, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the Property was given as provided by law, setting forth the time and place for hearing on said proposal; and



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**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. Except for the easement reservations described herein, 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 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, and said conveyance be and is hereby approved, 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:

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).

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



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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:  
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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

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

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] Mayor

[Signature] City Clerk