



Roll Call Number

19-0415

Agenda Item Number

61

Date March 11, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED EAST OF AND ADJOINING 126 FRANKLIN AVENUE AND VACATED ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 126 FRANKLIN AVENUE TO FIVE-C2 PROPERTIES, LLC FOR \$3,200.00

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain excess real estate located east of and adjoining 126 Franklin Avenue, and vacated alley right-of-way located south of and adjoining 126 Franklin Avenue, (hereinafter collectively "Property"), more particularly described below; and

WHEREAS, Five-C2 Properties, LLC has offered to the City of Des Moines, Iowa, the purchase price of \$3,200.00 for the purchase of said Property in order to allow for access to the rear of the existing commercial building, subject to a no-build easement, which price reflects the restricted 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 February 25, 2019, by Roll Call No. 19-0281, 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 March 11, 2019, 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 certain real estate located east of and adjoining 126 Franklin Avenue, and vacated alley right-of-way located south of and adjoining 126 Franklin 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 further subject to a no-build easement:



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Grantee: Five-C2 Properties, LLC

Consideration: \$3,200.00

Legal Description:

THE WEST 15 FEET OF LOT 5, AND ALL OF THE VACATED EAST/WEST ALLEY LYING SOUTH OF LOTS 6, 7 AND 8 AND LYING SOUTH OF THE WEST 15 FEET OF SAID LOT 5, ALL IN BLOCK 3, ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 4,148 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. Proceeds from this sale will be deposited into the Economic Development Enterprise Fund, CM025033.



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Moved by Gray 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			

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