



Roll Call Number

19-1050

Agenda Item Number

63

Date June 24, 2019

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY ADJOINING 2509 SUNSET ROAD TO THE JAN MILLER STRAUB REVOCABLE TRUST FOR \$7,800.00**

**WHEREAS**, the City of Des Moines, Iowa, ("City") is the owner of certain excess real estate locally known as District/Tax parcel 010/05208-000-000, Des Moines, Iowa, (hereinafter "Property"), more particularly described below; and

**WHEREAS**, Jan Miller Straub, Trustee of the Jan Miller Straub Revocable Trust, owner of 2509 Sunset Road, which property adjoins the Property, has offered to the City of Des Moines, Iowa, the purchase price of \$7,800.00 for the purchase of the Property in order to assemble said Property with its adjoining commercial business property, subject to a reservation of easements therein, and further subject to the reservation of a Permanent Easement for Storm Sewer Right-of-Way, which will be included in the Quit Claim Deed from City to Buyer, 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 June 3, 2019, by Roll Call No. 19-0884, 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 June 24, 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 City of Des Moines real estate locally known as District/Tax parcel 010/05208-000-000, 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 Storm Sewer Right-of-Way, which will be included in the Quit Claim Deed from City to Buyer:



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Grantee: Jan Miller Straub, Trustee of the Jan Miller Straub Revocable Trust

Consideration: \$7,800.00

Legal Description:

LOT 46 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 15,612 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:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

PSN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

Bice Gray

MAYOR PRO TEM

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