



Roll Call Number

19-1150

Agenda Item Number

65 ✓

Date July 15, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCALLY KNOWN AS 2516, 2600, 2605, AND 2607 SUNSET ROAD TO IOWA PACIFIC PROCESSORS, INC. FOR \$162,900.00, AND GRANTING AN OPTION TO PURCHASE EXCESS REAL PROPERTY LOCALLY KNOWN AS 2700, 2708, District/Parcel 010/05246-000-000, 2720, and portions of 2707 and 2715 SUNSET ROAD TO IOWA PACIFIC PROCESSORS, INC. FOR \$1,000.00

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate locally known as 2516, 2600, 2605, and 2607 Sunset Road, Des Moines, Iowa, (hereinafter “Property”), more particularly described below; and

WHEREAS, Iowa Pacific Processors, Inc. has offered to the City of Des Moines, Iowa, the purchase price of \$162,900.00 for the purchase of said Property in order to assemble it with its adjoining property for a planned Phase 1 expansion of its existing commercial business, subject to a reservation of easements therein, and further subject to the following restrictive covenant: Any construction on the Property by Buyer and/or its tenant, and any reconstruction in the event of damage or destruction to original construction, shall be compliant with a Conceptual Development Plan approved by the City’s Urban Design Review Board, and with the Commercial Tax Abatement Construction and Design Sustainability Guidelines, and in accordance with a City-approved Site Plan, which covenant will be included in the Quit Claim Deed, which price reflects the fair market value of said Property as determined by the City’s Real Estate Division; and

WHEREAS, the City of Des Moines, Iowa, (“City”) is also the owner of certain excess real estate locally known as 2700, 2708, District/Parcel 010/05246-000-000, 2720, and portions of 2707 and 2715 Sunset Road, Des Moines, Iowa, (hereinafter “Option Property”), more particularly described below; and

WHEREAS, Iowa Pacific Processors, Inc. has also offered to the City of Des Moines, Iowa, the purchase price of \$1,000.00 for the purchase of an Option to Purchase Real Property, (hereinafter “Option to Purchase”), in said Option Property in order to assemble it with its adjoining property for a planned Phase 2 expansion of its existing commercial business, which price reflects the fair market value of said Option to Purchase, as determined by the City’s Real Estate Division; and

WHEREAS, Iowa Pacific Processors, Inc. shall have three (3) calendar years from the date of recording the Option to Purchase in the office of the Polk County Recorder to exercise the Option to Purchase by providing notice of intent in writing to the City; and

WHEREAS, the City has no known current or anticipated public need for the Property or the Option Property proposed to be sold and optioned and the City will not be inconvenienced by the sale of said Property or the Option to Purchase the Option Property; and



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WHEREAS, on June 24, 2019, by Roll Call No. 19-0992, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property and the Option Property be set down for hearing on July 15, 2019, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Property and the Option Property was given 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 conveyances, 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 conveyances, 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 locally known as 2516, 2600, 2605, and 2607 Sunset Road, Des Moines, Iowa ("Property"); nor is there any public need or benefit for the excess City property proposed to be optioned, and the public would not be inconvenienced by reason of the conveyance of an Option to Purchase Real Property in certain real estate locally known as 2700, 2708, District/Parcel 010/05246-000-000, 2720, and portions of 2707 and 2715 Sunset Road, Des Moines, Iowa ("Option Property"); all as legally described, to the grantees, and for the consideration identified below, and said conveyances be and are hereby approved, subject to a reservation of easements therein and further subject to the following restrictive covenant on the Property: Any construction on the Property by Buyer and/or its tenant, and any reconstruction in the event of damage or destruction to original construction, shall be compliant with a Conceptual Development Plan approved by the City's Urban Design Review Board, and with the Commercial Tax Abatement Construction and Design Sustainability Guidelines, and in accordance with a City-approved Site Plan; which covenant will be included in the Quit Claim Deed:

Property:

Grantee: Iowa Pacific Processors, Inc.

Consideration: \$162,900.00

Legal Description:

LOT 75 AND, EXCEPT THE WEST 3 FEET THEREOF, LOT 76; AND LOTS 90 THROUGH 93, AND THE WEST 10 FEET OF LOT 94, ALL IN VALLEY GARDENS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE



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CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING
APPROXIMATELY 1.87 ACRES (81,449 SQUARE FEET).

Option Property:

Grantee: Iowa Pacific Processors, Inc.

Consideration: \$1,000.00

Legal Description:

PARCEL 2019-74 AND PARCEL 2019-75, AND LOTS 83 THROUGH 86, 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 1.55 ACRES (67,551 SQUARE FEET)

3. The Mayor is authorized and directed to sign the Offer to Purchase, the Quit Claim Deed, and the Option to Purchase Real Property for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City's Real Estate Division Manager is authorized to sign any minor and non-substantial amendments to the Offer to Purchase and the Option to Purchase Real Property, and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
5. 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 and the Option to Purchase Real Property, 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed and the Option to Purchase Real Property, 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.
7. 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.
8. 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:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| WESTERGÅARD | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

J. M. Frankhu Cownie
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