



**Roll Call Number**

19-1600

**Agenda Item Number**

28

**Date** October 14, 2019

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR A LAND EXCHANGE PURCHASE AGREEMENT BETWEEN THE CITY OF DES MOINES AND THE JAN MILLER STRAUB REVOCABLE TRUST FOR PROPERTY LOCATED ON SUNSET ROAD BETWEEN SOUTHWEST 23<sup>RD</sup> STREET AND SOUTHWEST 28<sup>TH</sup> STREET**

**WHEREAS**, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate located on Sunset Road between Southwest 23<sup>rd</sup> Street and Southwest 28<sup>th</sup> Street, Des Moines, Iowa and locally known as District/Tax parcel 010/05233-000-000 and District/Tax parcel 010/05236-000-000, Des Moines, Iowa, (hereinafter “City Parcels”), more particularly described below; and

**WHEREAS**, Jan Miller Straub, Trustee of the Jan Miller Straub Revocable Trust, (“Seller”) is the owner of certain real estate located on Sunset Road between Southwest 23<sup>rd</sup> Street and Southwest 28<sup>th</sup> Street, Des Moines, Iowa and locally known as District/Tax parcel 010/05232-000-000, District/Tax parcel 010/05230-000-000 and District/Tax parcel 010/05229-000-000, Des Moines, Iowa, (hereinafter “Seller Parcels”), 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 City Parcels, has offered to the City of Des Moines, Iowa, the Seller Parcels in exchange for the City Parcels plus cash consideration in the amount of \$26,640.00 in order to assemble said City Parcels with its adjoining commercial business property, subject to a reservation of easements therein, which represents an equitable exchange of value as determined by the City’s Real Estate Division; and

**WHEREAS**, the City has no known current or anticipated public need for the City Parcels proposed to be exchanged and the City will not be inconvenienced by the conveyance of said City Parcels.

**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 exchange certain City of Des Moines real estate located on Sunset Road between Southwest 23<sup>rd</sup> Street and Southwest 28<sup>th</sup> Street, Des Moines, Iowa, locally known as District/Tax parcel 010/05233-000-000 and District/Tax parcel 010/05236-000-000 (City Parcels), as legally described below, subject to a reservation of easements therein, plus cash consideration in the amount of \$26,640.00 for three parcels of equal value owned by Jan Miller Straub, Trustee of the Jan Miller Straub Revocable Trust, locally known as District/Tax parcel 010/05229-000-000, District/Tax parcel 010/05230-000-000, and District/Tax parcel 010/05232-000-000 (Seller Parcels), also legally described below:

**City Parcels:**

LOT 71 AND LOT 74 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 26,640 SQUARE FEET.

**Seller Parcels:**



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LOT 67, LOT 68 AND LOT 70 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 39,960 SQUARE FEET.

- 2. A public hearing shall be held on November 4, 2019, 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.
- 4. 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.
- 5. Acquisition costs for this transaction will be paid from the general operating budget: Org – EG064090.

Moved by Gatto 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     | ✓    |      |          |        |
| WESTERGAARD    | ✓    |      |          |        |
| TOTAL          | 7    |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |

CERTIFICATE

I, Laura Baumgartner, Acting 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.

J. M. Franklin Cownie Mayor

Laura Baumgartner Acting City Clerk