

★ Roll Call Number

19-1775

Agenda Item Number

63

Date November 4, 2019

**HOLD 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, two of 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 sold and the City will not be inconvenienced by the conveyance of said City Parcels; and

**WHEREAS**, on October 14, 2019, by Roll Call No. 19-1600, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the City Parcels and the acquisition of the Seller Parcels be set down for hearing on November 4, 2019, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the City Parcels 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:

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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 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, as well as cash consideration in the amount of \$26,640.00, in exchange 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:**

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.

3. The Mayor is authorized and directed to sign the Land Exchange Purchase Agreement and Quit Claim Deeds for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Quit Claim Deeds, 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 Deeds, 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 Deeds for the City Parcels and copies of the other documents to the grantee.

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7. Acquisition costs for this transaction will be paid from the general operating budget: Org – EG064090.

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

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

*AN*

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

MOTION CARRIED APPROVED  
T. M. Franklin Cownie Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik City Clerk