



Roll Call Number

19-1874

Agenda Item Number

55 ✓

Date November 18, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF CERTAIN EXCESS CITY-OWNED PROPERTY ACQUIRED AS PART OF THE 2018 LIMITED VOLUNTARY FLOOD BUYOUT PROGRAM TO THE ADJOINING OWNERS FOR SIDEYARD PURPOSES ONLY

WHEREAS, on July 16, 2018, by Roll Call No. 18-1218, the City Council of the City of Des Moines, Iowa voted to authorize the City Manager to develop and implement an administrative plan for the voluntary acquisition of certain one and two-family residential flood damaged properties; and

WHEREAS, by the end of December 2018, the City of Des Moines had acquired a total of seventy-seven (77) properties from those owners who had chosen to participate in the buyout program, with the demolition and removal of all structures being completed by May of 2019; and

WHEREAS, it was subsequently determined by City Engineering, Public Works, and Community Development staff that eighteen (18) of the acquired properties, all of which are located outside of the Fourmile Creek area, could be sold to adjoining property owners for use as expanded sideyard only, subject to a reservation of easements therein, and further subject to the reservation of a Permanent Easement for Storm Sewer and Surface Water Flowage, which will be included in the Quit Claim Deed from City to the buyers; and

WHEREAS, the City's Real Estate Division has negotiated offers to purchase with six owners of property that adjoin certain City-owned flood buyout parcels (hereinafter collectively "Property"), with the consideration listed for each conveyance below being equal to the estimated fair market value of the property interests to be conveyed, as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on November 4, 2019 by Roll Call No. 19-1720, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on November 18, 2019, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; 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.



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the certain excess City-owned property acquired as part of the 2018 Limited Voluntary Flood Buyout, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of certain excess City-owned property acquired as part of the 2018 Limited Voluntary Flood Buyout 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 Stormwater and Surface Water Flowage which will be included in the Quit Claim Deed from City to the grantees:

Grantee: Todd Norman and Diana Norman

Consideration: \$500.00

Legal Description: LOT 13 IN BLOCK 4 OF HYDE PARK PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

Grantee: Curtis Voshell

Consideration: \$250.00

Legal Description: THE EAST HALF (1/2) OF LOT 22, BLOCK 4, HYDE PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

Grantee: Gregorio Uribe-Lugo and Tammy M. Bonnett Uribe

Consideration: \$250.00

Legal Description: THE WEST HALF (1/2) OF LOT 22, BLOCK 4, HYDE PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

Grantee: Lorei Lynn

Consideration: \$500.00

Legal Description: LOT 4 IN RUSSELL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

Grantee: Christopher Bickel and Tina Bickel

Consideration: \$500.00



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Legal Description: LOT 17, LOT 18 AND THE WEST ½ OF LOT 19 IN LEWIS PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

Grantee: Michael A. Rose and Penny R. Rose

Consideration: \$500.00

Legal Description: LOT 16 IN BLOCK 4 IN FINAL PLAT OF HOFFMAN PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

3. The Mayor is authorized and directed to sign the Offers to Purchase and Quit Claim Deeds for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement .
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 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.
6. 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 these 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 Deeds and copies of the other documents to the grantees.
8. Proceeds from this sale will be deposited into the General Fund, Unallocated: Org - ND405643.

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Moved by Boesen to adopt.

APPROVED AS TO FORM:

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

PTW

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

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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk