



Roll Call Number

19-1952

Agenda Item Number

43

Date December 2, 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 AT 2617 48TH PLACE TO BRENT MILLIS FOR SIDEYARD PURPOSES ONLY FOR \$250.00

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, Brent Millis ("Buyer") has offered to the City of Des Moines ("City") the purchase price of \$250.00 for the purchase of 2617 48th Place (hereinafter "Property") for sideyard purposes, 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 price reflects the estimated fair market value of the Property 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 18, 2019 by Roll Call No. 19-1827, 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 December 2, 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 located at 2617 48th Place, 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 located at 2617 48th Place, as legally described, to the grantee, 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 and Surface Water Flowage which will be included in the Quit Claim Deed from City to the grantee:

Grantee: Brent Millis

Consideration: \$250.00

Legal Description: LOT 83 IN JANA'S PLACE REPLAT, 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 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. 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 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.

6. 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 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 Deed and copies of the other documents to the grantee.

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

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

MOTION CARRIED 7 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