



Roll Call Number

Agenda Item Number

20-0064

34

Date January 13, 2020

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCALLY KNOWN AS 2412, 2500, 2504, 2508 AND 2512 GEORGE FLAGG PARKWAY TO DES MOINES WATER WORKS

WHEREAS, on September 23, 2019, by Roll Call No. 19-1523, the City Council of the City of Des Moines voted to approve an Amendment to the 28E AGREEMENT approved by the City Council on August 10, 2009, entered into by and between the City of Des Moines ("City") and the Board of Water Works Trustees of the City of Des Moines on August 10, 2009 and filed with the Secretary of State of the State of Iowa as 28E Agreement M502672 on August 12, 2009 and recorded with the Polk County Recorder on September 10, 2009 at Book 13200 at Pages 213-238; and

WHEREAS, the Amendment to the 28E Agreement makes numerous additions and changes to the original 28E Agreement including the dedication of real property locally known as 2412, 2500, 2504, 2508 and 2512 George Flagg Parkway, Des Moines, Iowa (hereinafter "Property"), for Water Works exclusive use and enjoyment, more particularly described below; and

WHEREAS, the Board of Water Works Trustees of the City of Des Moines, Iowa has requested that the City convey said Property to the City of Des Moines for the benefit and use of the Board of Water Works Trustees of the City of Des Moines, Iowa in accordance with Iowa Code Sections 364.7(3) and 388.4 for the public purposes of constructing, reconstructing, maintaining, accessing, and operating a park grounds maintenance shop and related structures, subject to a reservation of easements therein; and

WHEREAS, the City will not be inconvenienced by the conveyance of said Property.

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 convey certain City of Des Moines real estate locally known as 2412, 2500, 2504, 2508 and 2512 George Flagg Parkway, Des Moines, Iowa, as legally described below, to the City of Des Moines for the benefit and use of the Board of Water Works Trustees of the City of Des Moines, Iowa for the public purposes of constructing, reconstructing, maintaining, accessing, and operating a park grounds maintenance shop and related structures as consideration in accordance with Iowa Code Sections 364.7(3) and 388.4, subject to a reservation of easements therein:

LOTS 11 THROUGH 17, 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 2.1 Acres (93,425 SQUARE FEET).

2. A public hearing shall be held on January 27, 2020, 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.

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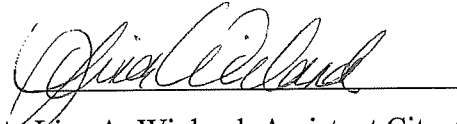
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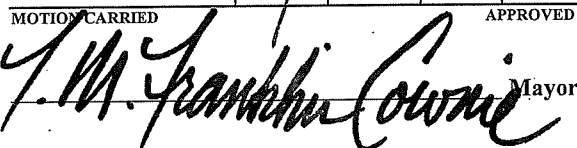
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There are no proceeds associated with this transaction.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

  
Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED APPROVED  
  
T. M. Frank, 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