

★ Roll Call Number

20-0181

Agenda Item Number

40

Date January 27, 2020

**HOLD 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; and

**WHEREAS**, on January 13, 2020, by Roll Call No. 20-0064, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on January 27, 2020, at 5:00 p.m., in the City Council Chambers; 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.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance, as described below, are hereby overruled and the hearing is closed.



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2. The public would not be inconvenienced by reason of the conveyance of 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 Section 364.7(3), 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).

3. The Mayor is authorized and directed to sign the 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 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.

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

4. There are no proceeds associated with this transaction.

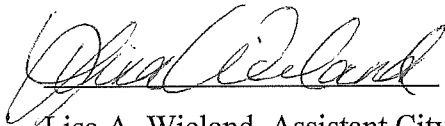
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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

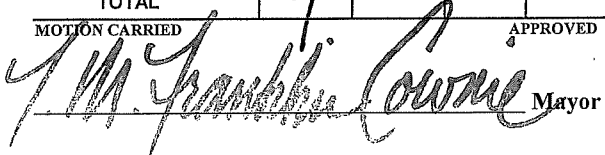
*PJW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
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 7 APPROVED  
 Mayor

 City Clerk