



Roll Call Number

20-0182

Agenda Item Number

41

Date January 27, 2020

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED EAST OF AND ADJOINING 601 KENYON AVENUE TO MCKAYLA D. SLOAN AND CALEB SLOAN FOR \$100.00

WHEREAS, on September 14, 2015, by Roll Call No. 15-1571, the City Council of the City of Des Moines, Iowa voted to authorize acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project; and

WHEREAS, on February 26, 2019, by Resolution No. 34-19, the Board of Supervisors of Polk County, Iowa voted to convey to the City of Des Moines the vacant Polk County property located east of and adjoining 601 Kenyon Avenue, Des Moines, Iowa (hereinafter "Property"), a portion of which was needed by the City of Des Moines for a storm Sewer and surface water flowage easement for the Yeader Creek Grade Control Improvements Project; and

WHEREAS, McKayla D. Sloan and Caleb Sloan, owners of 601 Kenyon Avenue, have offered to the City of Des Moines ("City") the purchase price of \$100.00 for the purchase of the Property for assemblage with their existing residential property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to a Permanent Easement for Storm Sewer and Surface Water Flowage over the northernmost portion of the parcel, which easement will be included in the Quit Claim Deed, which price reflects the fair market value of the City Property 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 January 13, 2020 by Roll Call No. 20-0063, 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 January 27, 2020, 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.

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

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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the excess City property located east of and adjoining 601 Kenyon Avenue, Des Moines, Iowa, 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 the excess City property located east of and adjoining 601 Kenyon Avenue, Des Moines, Iowa, legally described as follows, to McKayla D. Sloan and Caleb Sloan, for \$100.00, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, 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 Buyers:

50 F VAC ROW N OF KENYON & EXT THROUGH N 1/2 S 1/2 NE 1/4 SEC 28-78-24.

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. 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.

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 these 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.

7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

PJW

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

MOTION CARRIED APPROVED
J. 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