



**Roll Call Number**

20-1163

**Agenda Item Number**

67

**Date** July 13, 2020

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR A LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF DES MOINES AND GREATER DES MOINES HABITAT FOR HUMANITY, INC. FOR EXCHANGE OF COMPARABLE PROPERTIES**

**WHEREAS**, the City of Des Moines, Iowa, (“City”) obtained the tax sale certificate of certain real estate locally known as 3200 Bowdoin Street and 1509 E. 36<sup>th</sup> Court, Des Moines, Iowa, (hereinafter “City Parcels”), more particularly described below; and

**WHEREAS**, Greater Des Moines Habitat for Humanity, Inc., (“Seller”) is the owner of certain real estate locally known as 1611 De Wolf Street and District/Parcel 110/00606-000-000, Des Moines, Iowa, (hereinafter “Seller Parcels”), which adjoin or are located near the City Parcels, and are legally described below; and

**WHEREAS**, Seller has offered to convey the Seller Parcels to the City in exchange for the City’s quit claim of the City Parcels, subject to a reservation of easements therein, which represents an equal exchange of value as determined by the City’s Real Estate Division; and

**WHEREAS**, the City has no known current or anticipated public need for the City Parcels proposed to be exchanged and the City will not be inconvenienced by the conveyance of the City’s interest in said City Parcels.

**WHEREAS**, on June 22, 2020 by Roll Call No. 20-1009, 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 July 13, 2020, at 5:00 p.m., in the MSC Board Room, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and given Mayor Cownie’s March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property and the Section One of the Governor’s May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Hundred Twenty Three of the Governor’s June 25, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the meeting may be conducted electronically with no public access to the meeting location or conducted electronically with public access to the meeting location; 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, including how to participate telephonically and electronically; 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 exchange of the City’s interest in the real property locally known as 3200 Bowdoin Street and 1509 E. 36<sup>th</sup> Court, Des Moines, Iowa (City Parcels), as legally described below, subject to a reservation of easements therein, for two parcels of equal value owned by Greater Des Moines Habitat for Humanity, Inc. locally known as 1611 De Wolf Street and District/Parcel 110/00606-000-000 (Seller Parcels), as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the City Parcels, and the public would not be inconvenienced by reason of exchanging quit claim deeds for the City Parcels locally known as 3200 Bowdoin Street and 1509 E. 36<sup>th</sup> Court, Des Moines, Iowa (City Parcels), as legally described below, subject to a reservation of easements therein, for two parcels of equal value owned by Greater Des Moines Habitat for Humanity, Inc. locally known as 1611 De Wolf Street and District/Parcel 110/00606-000-000 (Seller Parcels), and said exchange is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

**City Parcels:**

**3200 Bowdoin Street**

LOT 12, BLOCK 18, PLAT 1 OF AUBURN HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**1509 E. 36<sup>th</sup> Court**

LOTS 110 AND 111, GRAY’S WOODS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**Seller Parcels:**

**1611 De Wolf Street**

LOT 22, BLOCK 3, T.E BROWN’S OFFICIAL PLAT OF THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., EXCEPT THE NORTHEAST 40.0 ACRES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**District/Parcel No. 110/00606-000-000**

LOT 3, BLOCK 4, T.E BROWN’S OFFICIAL PLAT OF THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., EXCEPT THE NORTHEAST 40.0 ACRES, AN OFFICIAL PLAT, ALL 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 Land Exchange Agreement and Quit Claim Deeds for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

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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 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. Closing costs for this transaction will be paid from the Guthrie Avenue Business Park Project budget: Org - CM025033.

Moved by Westergaard to adopt.

APPROVED AS TO FORM:

/s/

Lisa A. Wieland, Assistant City Attorney

RW

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

MOTION CARRIED

APPROVED

J. M. Frankin 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