

★ Roll Call Number

21-0155

Agenda Item Number

64

Date January 25, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR A LAND EXCHANGE AGREEMENT WITH GLORIA S. HOFFMAN FOR PROPERTY LOCATED AT AND ADJOINING 4200 LEONARD PLACE, AND FOR ACCEPTANCE OF A TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess property located west of and adjoining 4200 Leonard Place, Des Moines, Iowa (hereinafter “City Parcel”), more particularly described below; and

WHEREAS, Gloria S. Hoffmann, (“Seller”) is the owner of certain property located at the south and west side of 4200 Leonard Place, Des Moines, Iowa, (hereinafter “Seller Parcel”), which property is required by the City for the Maquoketa Drive Storm Sewer Box Replacement Project, more particularly described below; and

WHEREAS, Gloria S. Hoffmann, has offered to convey to the City of Des Moines, Iowa, the Seller Parcel and a Temporary Easement for Construction and Construction-Related Activities in property adjoining the Seller Parcel in exchange for the City Parcel described below, plus cash consideration in the amount of \$6,850.00, in order to assemble said City Parcel with her adjoining property for sideyard uses, subject to a reservation of easements therein; which represents an equitable exchange of fair market 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 Parcel proposed to be conveyed and the City will not be inconvenienced by the conveyance of said City Parcel; and

WHEREAS, on January 11, 2021, by Roll Call No. 21-0020, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the City Parcel and the acquisition of the Seller Parcel and acceptance of the Temporary Easement for Construction and Construction-Related Activities be set down for hearing on January 25, 2021, at 5:00 p.m., in the City Council Chambers, 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, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s October 16, 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, and the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location; and

WHEREAS, due notice of said proposal to convey the City Parcel 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 electronically and telephonically; and

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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 conveyances, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of certain City of Des Moines real estate located west of and adjoining 4200 Leonard Place, Des Moines, Iowa (City Parcel), as legally described below, as well as cash consideration in the amount of \$6,850.00, in exchange for a parcel owned by Gloria S. Hoffmann, located at the south and west side of 4200 Leonard Place, Des Moines, Iowa (Seller Parcel), also legally described below, and a Temporary Easement for Construction and Construction-Related Activities in property adjoining the Seller Parcel, which together represent an equitable exchange of fair market value:

City Parcel:

A PART OF LOT 13, SHAFER WOODS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID LOT ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 45.00 FEET, WHOSE ARC LENGTH IS 19.78 FEET AND WHOSE CHORD BEARS SOUTH 77°12'12" EAST, 19.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 45.00 FEET, WHOSE ARC LENGTH IS 26.47 FEET AND WHOSE CHORD BEARS NORTH 73°21'03" EAST, 26.09 FEET TO A POINT BEING 40.00 FEET SOUTHEASTERLY OF AND PERPENDICULAR TO THE EXTENDED WESTERLY LINE OF SAID LOT; THENCE SOUTH 21°14'39" WEST ALONG A LINE BEING 40.00 FEET SOUTHWESTERLY OF AND PARALLEL TO SAID WESTERLY LINE, 69.00 FEET; THENCE NORTH 0°00'00" WEST, 56.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 677 SQUARE FEET.

Seller Parcel:

A PART OF LOTS 13 AND 14, SHAFER WOODS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 89°(DEGREES) 43'(MINUTES) 16"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOTS, 113.93 FEET TO A POINT BEING 40.00 FEET SOUTHEASTERLY OF AND PERPENDICULAR TO THE WESTERLY LINE

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OF SAID LOT 13; THENCE NORTH 21°14'39" EAST ALONG A LINE BEING 40.00 FEET SOUTHEASTERLY OF AND PARALLEL TO SAID WESTERLY LINE, 63.52 FEET; THENCE SOUTH 0°00'00" EAST, 44.09 FEET TO A POINT BEING 15.00 FEET NORTH OF AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOTS; THENCE NORTH 89°43'16" EAST ALONG A LINE BEING 15.00 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINES, 90.86 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14; THENCE SOUTH 0°13'08" EAST ALONG SAID EAST LINE, 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2043 SQ. FT.)

3. The Mayor is authorized and directed to sign the Land Exchange Agreement 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, and to the approval and acceptance by the City Council of the City of Des Moines of the Warranty Deed and the Temporary Easement for Construction and Construction-Related Activities being conveyed to the City by Gloria S. Hoffmann.
4. The City Clerk is authorized and directed to forward the original of the Quit Claim Deed and the Warranty 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 and the Warranty 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 for the City Parcel and copies of the other documents to the Seller.
7. Acquisition costs for this transaction will be paid from the Maquoketa Drive Storm Sewer Box Replacement Project: Org – E304PW99, Project – SM068.

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Moved by Gray to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

BSW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|----------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| VOSS | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | | APPROVED | | |

A. 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.



City Clerk