



**Roll Call Number**

21-1365

**Agenda Item Number**

40 ✓

**Date** August 23, 2021

**CONTINUANCE OF HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF UNDEVELOPED CITY STREET RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 1661 COUNTY LINE ROAD AND CONVEYANCE TO JOPPA FOR \$30,000.00**

**WHEREAS**, JOPPA, an Iowa non-profit company, has entered into a contract to purchase property owned by Des Moines Metropolitan Wastewater Reclamation Authority locally known as District Parcels 120/02451-001-001 and 120/02416-003-000, collectively 1661 County Line Road; and

**WHEREAS**, the City of Des Moines is the owner of an undeveloped segment of street right-of-way located between the two parcels comprising of 1661 County Line Road and District Parcel 120/02416-003-000 (hereinafter "Property"); and

**WHEREAS**, JOPPA requested the vacation of the Property, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request has been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

**WHEREAS**, JOPPA has offered to the City of Des Moines, Iowa ("City") the purchase price of Thirty Thousand and No Dollars (\$30,000.00) for the purchase of the Property for incorporation into the adjoining property for purposes legally allowed by the City of Des Moines, subject to and contingent upon the following special provisions:

- JOPPA shall have a due diligence period of three hundred (300) days;
- Reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated;
- Closing on the purchase of the following described real estate, currently owned by the Des Moines Metropolitan Wastewater Reclamation Authority, legally described as follows: LOTS 48 THROUGH 90, AND LOTS 104 THROUGH 106, HIGHLAND HILLS PLAT No. 6, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 21.12 ACRES (920,122 SQUARE FEET);
- Completion of the vacation process for any right-of-way portions of the Property, a site plan/development plan approved by the City and all zoning requirements being satisfied for any proposed development of the Property;
- Upon closing, payment of broker's commission as set forth in the listing agreement with the City; and
- At the time of closing, JOPPA shall receive a credit toward the purchase price owed City in the amount of the lowest of three bids estimating the cost of environmental remediation required by the Iowa Department of Natural Resources (IDNR) (or other state or federal regulations) upon the Property to be incurred by JOPPA. Such bid estimate shall address only remediation in the method agreed upon in writing between JOPPA and the City. Such credit amount(s) shall only be issued as applicable, shall not include any amount of remediation above the minimum amount required by the IDNR, and shall in no event collectively exceed the Purchase Price;

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which price reflects the fair market value of the Property as determined by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the street right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property; and

**WHEREAS**, on August 9, 2021, by Roll Call No. 21-1214, it was duly resolved by the City Council that the proposed vacation and conveyance of the street right-of-way be set down for hearing on August 23, 2021, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to vacate and convey the City Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, JOPPA has requested a continuance of the public hearing on the vacation and conveyance of the undeveloped segment of street right-of-way in order to have the vacation and conveyance coincide with their request to rezone the City Property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation of an undeveloped segment of street right-of-way located between the two parcels comprising of 1661 County Line Road and District Parcel 120/02416-003-000, and conveyance to JOPPA for \$30,000, subject to and contingent upon the special provisions listed above, be and is hereby opened and continued to October 4, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

/s/ Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

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

MOTION CARRIED APPROVED

J. M. Franklin 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