

# WITHDRAWN BY ENGINEERING DEPT



Roll Call Number

21-1552

Agenda Item Number

15

Date October 18, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCALLY KNOWN AS 2411, 2501 AND 2505 SUNSET ROAD AND DISTRICT/PARCELS 010/05229-000-000 AND 010/05230-000-000 TO FAREWAY STORES, INC. FOR \$133,200**

**WHEREAS**, The City of Des Moines is owner of five (5) lots located on Sunset Road between Southwest 23<sup>rd</sup> Street and Southwest 28<sup>th</sup> Street locally known as 2411, 2501 and 2505 Sunset Road, and District/Parcels 010/05229-000-000 and 010/05230-000-000 (hereinafter "Property"); and

**WHEREAS**, Fareway Stores, Inc. ("Fareway") has offered to the City of Des Moines ("City") the purchase price of \$133,200.00 for the purchase of the Property, subject to the terms and conditions contained in the Offer to Purchase including the immediate construction of parking, paving, and other acceptable ground improvements, and the requirement that Fareway commence construction of a minimum 13,320 square foot enclosed building within six (6) years from the date of closing on the purchase as part of a City-approved site plan and all other City-approval processes, and further subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

**WHEREAS**, if Fareway fails to timely meet the development requirements contained in the Offer to Purchase, then the City reserves the right to immediately repurchase the Property or any portion thereof at the same price per square foot paid by Fareway (\$2.00 per square foot); and

**WHEREAS**, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey five (5) lots located on Sunset Road between Southwest 23<sup>rd</sup> Street and Southwest 28<sup>th</sup> Street locally known as 2411, 2501 and 2505 Sunset Road, and District/Parcels 010/05229-000-000 and 010/05230-000-000, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Fareway Stores, Inc.

Consideration: \$133,200.00

Legal Description: LOTS 66 THRU 70, 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 66,600 SQUARE FEET.



Roll Call Number

21-1552

Agenda Item Number

15

Date October 18, 2021

2. A public hearing shall be held on November 1, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. October 28, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the November 1, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

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

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

J. W. 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