



**Roll Call Number**

21-1747

**Agenda Item Number**

35

**Date** November 15, 2021

**HOLD 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 MIDWEST QUALITY WHOLESALE, 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**, Midwest Quality Wholesale, Inc. 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 Midwest Quality Wholesale, Inc. 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 Midwest Quality Wholesale, Inc. 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 Midwest Quality Wholesale, Inc. (\$2.00 per square foot); 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 November 1, 2021 by Roll Call No. 21-1658, 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 November 15, 2021, 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 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 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 Property, legally described as follows, to Midwest Quality Wholesale, Inc. for \$133,200.00, 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:

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.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed and Right to Repurchase for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

5. 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 and Right to Repurchase, 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.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed and Right to Repurchase, 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.

7. 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 Right to Repurchase and copies of the other documents to the grantee.

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





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(Council Communication No. 21-492)

Moved by Mandelbaum 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	7			
MOTION CARRIED		APPROVED		
<i>J. M. Frank</i>		<i>Lisa A. Wieland</i>		
Mayor		Assistant City Attorney		

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