

Date March 27, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF VACATED 41ST STREET LOCATED EAST OF AND ADJOINING 4126 INGERSOLL AVENUE TO PLYMOUTH CONGREGATIONAL CHURCH FOUNDATION FOR \$90,890

WHEREAS, on January 25, 1999, by Roll Call 99-219, the City of Des Moines City Council passed Ordinance No. 13,671 vacating all of the 41st Street right-of-way between Grand Avenue and Ingersoll Avenue; and

WHEREAS, on June 7, 1999, by Roll Call 99-1817, the City of Des Moines City Council voted to approve a lease agreement with Plymouth Congregational Church for that part of vacated 41st Street right-of-way located east of and adjoining 4126 Ingersoll Avenue, Des Moines, Iowa, as legally described below, hereinafter "Property"; which lease agreement contained, among other terms, the following:

- An initial forty-nine (49) year term with five 10-year renewal options;
• An initial base rent of \$6,002.00 and adjustments to the annual rent every ten years reflecting 50% of the change in the Consumer Price Index for the previous ten years;
• A Payment In Lieu Of Taxes (PILOT) for the first ten years of the lease term equal to 14% of the City levy upon any conversion of the property east of 41st Street to tax-exempt status; and

WHEREAS, Plymouth Congregational Church Foundation ("Buyer"), has now offered to the City of Des Moines, Iowa ("City"), the purchase price of \$90,890.00 for the purchase of said Property in order to assemble it with their adjoining property, which price reflects the restricted fair market value of said Property as determined by the City's Real Estate Division; and

WHEREAS, the Buyer shall receive a credit towards the Purchase Price in the amount of \$7,607.00 for rent paid toward the 2022-2023 lease year, making the final amount due \$83,283.00, which amount is due prior to the date of closing; and

WHEREAS, the City has no known current or anticipated public need for the 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, that:

1. The City Council of the City of Des Moines, Iowa, proposes to sell that part of vacated 41st Street right-of-way located east of and adjoining 4126 Ingersoll Avenue, Des Moines, Iowa, legally described as follows, to Plymouth Congregational Church Foundation for \$90,890.00, subject to a reservation of easements therein, and further subject to the reservation of a no-build easement on the Property:

ALL THAT PART OF VACATED 41ST STREET RIGHT OF WAY BETWEEN INGERSOLL AVENUE AND GRAND AVENUE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE VACATED 66.0 FOOT 41ST STREET RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH 282.5 FEET OF THE SOUTH 582.5 FEET OF LOT 5, GREENWOOD PARK, AN OFFICIAL

23-0390

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Date March 27, 2023

PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA.

(VACATED BY ORDINANCE 13671, PASSED JANUARY 25, 1999.)

2. A public hearing shall be held on, at 5:00 p.m. on April 10, 2023 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

Please check the posted agenda in advance of the April 10, 2023 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 Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED	APPROVED			

T. M. Gandy Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner
Laura Baumgartner, City Clerk