



**Roll Call Number**

23-0525

**Agenda Item Number**

55

**Date** April 10, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF VACATED 41<sup>ST</sup> 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 41<sup>st</sup> 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 41<sup>st</sup> 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 41<sup>st</sup> 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; and

**WHEREAS**, on March 27, 2023, by Roll Call No. 23-0390, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on April 10, 2023, at 5:00 p.m., in the City Council Chambers; 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



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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 conveyance, 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 that part of vacated 41<sup>st</sup> 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 41<sup>ST</sup> STREET RIGHT OF WAY BETWEEN INGERSOLL AVENUE AND GRAND AVENUE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
THE VACATED 66.0 FOOT 41<sup>ST</sup> 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 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.)

3. The Mayor is authorized and directed to sign the Offer to Purchase 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.
4. 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, 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, 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.
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 and copies of the other documents to the grantee.



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

Moved by Mandelbaum to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED
T.M. Frankhu Cowie 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