

★ Roll Call Number

23-0992

Agenda Item Number

27

Date July 17, 2023

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCALLY KNOWN AS 4030 53<sup>RD</sup> STREET, DES MOINES, IOWA TO BARRY POTTINGER FOR \$500.00**

**WHEREAS**, on July 16, 2018, by Roll Call No. 18-1218, the City Council of the City of Des Moines, Iowa voted to authorize the City Manager to develop and implement an administrative plan for the voluntary acquisition of certain one and two-family residential flood damaged properties; and

**WHEREAS**, by the end of December 2018, the City of Des Moines had acquired a total of seventy-seven (77) properties from those owners who had chosen to participate in the buyout program, with the demolition and removal of all structures being completed by May of 2019; and

**WHEREAS**, it was subsequently determined by City Engineering, Public Works, and Community Development staff that eighteen (18) of the acquired properties, all of which are located outside of the Fourmile Creek area, including the parcel at 4030 53<sup>rd</sup> Street, could be sold to adjoining property owners for use as expanded sideyard only, subject to a reservation of easements therein, and further subject to the reservation of a Permanent Easement for Storm Sewer and Surface Water Flowage which will be included in the Quit Claim Deed from City to the buyer; and

**WHEREAS**, Barry Pottinger has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$500.00 for the purchase of 4030 53<sup>rd</sup> Street (hereinafter “Property”) for sideyard purposes only, subject to a reservation of easements therein, and further subject to the reservation of a Permanent Easement for Storm Sewer and Surface Water Flowage, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; 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 sell certain excess City-owned property acquired as part of the 2018 Limited Voluntary Flood Buyout, located at 4030 53<sup>rd</sup> Street, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein, and further subject to the reservation of a Permanent Easement for Storm Sewer and Surface Water Flowage which will be included in the Quit Claim Deed from City to the buyer:

Grantee: Barry Pottinger  
Consideration: \$500.00

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Legal Description: LOTS 31 AND 32 IN BLOCK D OF AVIATION PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING APPROXIMATELY 8,400 SQUARE FEET.

- 2. A public hearing shall be held on August 7, 2023, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.
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. Proceeds from this sale will be deposited into the General Fund, Unallocated: Org - ND405643.

Moved by Gatto 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. Includes 'MOTION CARRIED' and 'APPROVED' labels.

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 (signature)

Laura Baumgartner, City Clerk

J. M. Frankin Cownie Mayor (signature)