



**Roll Call Number**

23-1368

**Agenda Item Number**

66

**Date** October 2, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCATED SOUTH OF AND ADJOINING 2720 GARDEN ROAD TO HURD GARDEN, LLC FOR \$23,300**

**WHEREAS**, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate located on Southwest 28<sup>th</sup> Street south of and adjoining 2720 Garden Road and locally known as Geoparcels 7824-17-151-036, Des Moines, Iowa, (hereinafter “Property”), more particularly described below; and

**WHEREAS**, Hurd Garden, LLC, Richard Hurd, Manager, 5959 Village View Drive, Suite 200, West Des Moines, Iowa, has offered to the City of Des Moines, Iowa the purchase price of \$23,300.00 for the purchase of the Property in order to combine said Property with 2720 Garden Road for redevelopment purposes, subject to a reservation of easements therein, which price reflects the fair market value of said Property as determined by the City’s Real Estate Division; 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 September 11, 2023, by Roll Call No. 23-1246, 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 October 2, 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

**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 certain City of Des Moines real estate located on Southwest 28<sup>th</sup> Street south of and adjoining 2720 Garden Road and locally known as Geoparcels 7824-17-151-036, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Hurd Garden, LLC  
Consideration: \$23,300.00



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Legal Description: Part of Lots 35 and 36, Valley Gardens, an Official Plat, more particularly described as follows:

Commencing as a point of reference at the Northeast corner of said Lot 36; thence South 0° (degrees) 18' (minutes) 40" (seconds) West along the East line of said Lot 36, a distance of 100.00 feet to the Point of Beginning; thence continuing South 0°18'40" West along said East line, 83.82 feet; thence North 89°37'00" West, 119.79 feet to the West line of said Lot 35; thence North 0°21'59" East along said West Line, 71.89 feet; thence North 84°41'18" East, 120.30 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Above described area was deeded to the City of Des Moines in Book 7051 Page 202 and is shown on a Plat of Survey being on sheet 2 of Book 7041 Pages 787-788 at the Recorder's office of Polk County, Iowa. Containing approximately 0.21 Acres (9,323 Square Feet).

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



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Moved by Mandelbaum to adopt. Second by Voss

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, VOSS, WESTERGAARD, and TOTAL.

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.

Handwritten signature of T.M. Franckh Cownie, Mayor

Handwritten signature of Laura Baumgartner, City Clerk