



**Roll Call Number**

23-1369

**Agenda Item Number**

67

**Date** October 2, 2023

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY  
TO R.M. MADDEN CONSTRUCTION, INC.  
FOR REDEVELOPMENT OF HOUSING**

**WHEREAS**, on July 15, 2019, by Roll Call No. 19-1087, the City Council approved acquisition of necessary property interest for the Hamilton Drain East System Storm Sewer Improvements Phase 1 and 2 Project and the property locally known as 4130 Columbia Street, Des Moines, Iowa (“Property”) was identified and acquired as a property necessary for the project; and

**WHEREAS**, the City Engineering Department completed work on the property, has placed a permanent easement related to the storm sewer improvements, and has identified the remainder of the property to be a buildable lot; and

**WHEREAS**, Neighborhood Services administered a request for proposals process to identify qualified redevelopment partners to take ownership and redevelop 4130 Columbia Street in which R.M. Madden Construction, Inc. was the highest scored responsible applicant; and

**WHEREAS**, if approved, the proposed conveyance by the City to R.M. Madden Construction, Inc. will be governed by and subject to approval of a development agreement between R.M. Madden Construction, Inc. and the City of Des Moines, which agreement will be submitted to City Council for consideration concurrently with the public hearing on the sale; and

**WHEREAS**, deed restrictions, a permanent easement and compliance with the conditions of the development agreement will be included in the deed conveying the R.M. Madden Construction, Inc.; 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 of said Property; and

**WHEREAS**, on September 11, 2023, by Roll Call 23-1247, it was duly resolved by the City Council that the proposed conveyance of the R.M. Madden Construction, Inc. be set down for hearing on October 2, 2023, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of the proposal was published as provided by law in the Des Moines Register, setting forth the time and place for hearing on the proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this 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.



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the real property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the real property described below and the public would not be inconvenienced by reason of the conveyance of the property described below.
3. That the sale and conveyance of real property locally known as 4130 Columbia Street, Des Moines, Iowa, legally described below, to R.M. Madden Construction, Inc. in exchange for \$25,000 and in-kind consideration in the form of development of the property by rehabilitation and/or redevelopment for housing purposes:

LOT 5 IN BLOCK 4 IN OFFICIAL PLAT OF NORTHEAST QUARTER (NE ¼) OF SOUTHWEST QUARTER (SW ¼) OF SECTION 23-79-24 (EXCEPT THE EAST 830.4 FEET OF SOUTH ½ THEREOF), NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA;

AND

THE EAST ½ OF VACATED LOT B, BLOCK 4, OF THE OFFICIAL PLAT OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. EXCEPT THE EAST 830.4 FEET OF THE SOUTH ½, LYING WEST OF AND ADJOINING LOT 5 OF SAID BLOCK 4, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

4. That the Agreement between the City of Des Moines and R.M. Madden Construction, Inc. for Acquisition and Rehabilitation/Redevelopment of City Property, including the Offer to Purchase attached thereto, be and is hereby approved.
5. The Mayor is authorized and directed to sign said Agreement, the Offer, 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 and to forward the original of the Offer, said Agreement, and 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.

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- 6. Upon fulfillment of the conditions set forth herein above and in the acquisition agreement and Offer to Purchase, the Real Estate Division Manager is authorized and directed to close upon the sale of the above-described property to R.M. Madden Construction, Inc. and to forward the original 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.
- 7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original Quit Claim Deed and copies of the other documents to the grantee.
- 8. Proceeds from this sale will be deposited into the Hamilton Drain East System Storm Sewer Improvements – Phase 1 and 2 Project fund, E304PW99.

(Council Communication No. 23-442)

Moved by Westergaard to adopt,  
Second by Voss

FORM APPROVED:

/s/ Gary D. Goudelock Jr.

Gary D. Goudelock Jr., Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

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.

T.M. Franklin Cownie  
Mayor

Laura Baumgartner  
City Clerk