



Roll Call Number

23-1639

Agenda Item Number

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Date November 20, 2023

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED AT THE NORTHEAST CORNER OF EAST MARTIN LUTHER KING, JR. PARKWAY AND 10TH STREET ADJOINING 1001 RACCOON STREET TO ECOSOURCE, LLC FOR \$2,275

WHEREAS, on March 16, 1992, by Roll Call No. 92-871, the City Council of the City of Des Moines, Iowa voted to approve a land exchange agreement with Merchants Service Company and accept the warranty deed for a triangular piece of property located at the northeast corner of East Martin Luther King, Jr. Parkway and 10th Street adjoining 1001 Raccoon Street; and

WHEREAS, Ecosource, LLC, Darren Fife, Owner and Manager (hereinafter “Buyer”), the owner of 1001 Raccoon Street, Des Moines, Iowa, has offered to the City of Des Moines (“City”) the purchase price of \$2,275.00 for the purchase of the portion of the triangular piece of property located at the northeast corner of East Martin Luther King, Jr. Parkway and 10th Street adjoining its property at 1001 Raccoon Street (hereinafter “Property”), for assemblage with 1001 Raccoon Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to the reservation of a no-build easement which will be included in the quit claim deed from the City of Des Moines to the Buyer; 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 for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

WHEREAS, on November 6, 2023 by Roll Call No. 23-1538, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on November 20, 2023, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of a triangular piece of excess City property located at the northeast corner of East Martin Luther King, Jr. Parkway and 10th Street adjoining 1001 Raccoon Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the triangular piece of excess City property located at the northeast corner of East Martin Luther King, Jr. Parkway and 10th Street adjoining 1001 Raccoon Street, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein, and further subject to the reservation of a no-build easement, and said conveyance is hereby approved:

Grantee: Ecosource, LLC

Consideration: \$2,275.00

Legal Description: A TRIANGULAR PARCEL IN BLOCK 1, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, BEING A PART OF LOTS 2 AND 3, DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID BLOCK 1; THENCE SOUTH 16° (DEGREES) 00' (MINUTES) 00" (SECONDS) EAST ALONG THE WEST LINE OF SAID BLOCK 1, 89.92 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 67°05'44" EAST, 102.80 FEET; THENCE SOUTH 73°41'08" WEST, 80.00 FEET TO THE WEST LINE OF SAID LOT 3; THENCE NORTH 16°00'00" WEST ALONG THE WEST LINE OF SAID BLOCK 1, 65.00 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 2599.96 SQUARE FEET OR 0.060 ACRES;

SAID PARCEL ABOVE ALSO DESCRIBED AS DISPOSAL PARCEL B SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 15696 PAGE 382 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA.

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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7. Proceeds from this sale will be deposited into the Southeast Connector Project ST256, Org: C038EG99.

Moved by Mandelbaum to adopt. Second by Voss

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

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

MOTION CARRIED Total 7 APPROVED
J. M. Frankh Cownie 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 City Clerk
Laura Baumgartner