

★ **Roll Call Number**

24-1102

**Agenda Item Number**

40

**Date** August 5, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF 2800 BELL AVENUE AND 2818 BELL AVENUE TO BAMS PROPERTIES, LLC, MATTHEW ALLEN NORRIS AND STEVEN WAYNE JONES FOR CHRISTIAN EDWARDS PRINT AND GRAPHICS EXPANSION FOR \$174,027**

**WHEREAS**, the City of Des Moines, Iowa ("City") is the owner of certain excess real estate locally known as 2800 Bell Avenue and 2818 Bell Avenue, Des Moines, Iowa (hereinafter "Property"), more particularly described below, which property was acquired in 1994 as part of the FEMA 1993 Flood Mitigation Buyout – City-wide Project; and

**WHEREAS**, on April 25, 2017, the City received notification from the U.S. Department of Homeland Security's Federal Emergency Management Administration (FEMA) that the City's Request to proceed with the sale and redevelopment of the properties acquired for the FEMA 1993 Flood Mitigation Buyout-City-wide Project was approved; and

**WHEREAS**, Bams Properties, LLC, Matthew Allen Norris, and Steven Wayne Jones, owners of 2700 Bell Avenue, have offered to the City of Des Moines ("City") the purchase price of \$174,027.00 for the purchase of said Property, for assemblage with 2700 Bell Avenue, 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 a no-build easement on 2800 Bell Avenue, 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; and

**WHEREAS**, on July 15, 2024, by Roll Call No. 24-0958, 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 August 5, 2024, 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 2800 Bell Avenue and 2818 Bell Avenue, 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 2800 Bell Avenue and 2818 Bell Avenue, 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 a no-build easement on 2800 Bell Avenue, and said conveyance is hereby approved:

Grantee: Bams Properties, LLC, Matthew Allen Norris and Steven Wayne Jones

Consideration: \$174,027.00

Legal Description:

Parcel 1 (2800 Bell Avenue, or Parcel No. 7824-18-426-007):

THE EAST 211 FEET OF THE SOUTH 316 FEET OF THE NORTH 349 FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., EXCEPT THE WEST 92 FEET OF THE NORTH 165 FEET THEREOF, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

Parcel 2 (2818 Bell Avenue, or Parcel No. 7824-18-426-005):

THAT PART OF THE NORTH 7 ACRES OF THE EAST 53 ACRES OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 18; THENCE SOUTH 0°09'10" WEST, 30.05 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BELL AVENUE; THENCE SOUTH 85°52'31" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELL AVENUE, 210.86 FEET TO THE POINT OF BEGINNING; THENCE 0°07'01" WEST, 309.36 FEET TO THE SOUTH LINE OF THE NORTH 7 ACRES OF THE EAST 53 ACRES OF THE SOUTHEAST 1/4 OF SAID SECTION 18; THENCE SOUTH 87°55'53" WEST ALONG THE SOUTH LINE OF THE NORTH 7 ACRES OF THE EAST 53 ACRES OF THE SOUTHEAST 1/4 OF SAID SECTION 18, 103.75 FEET; THENCE NORTH 0°04'48" EAST, 305.62 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BELL AVENUE; THENCE NORTH 85°52'31" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELL AVENUE, 104.16 TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, 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.

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4. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
5. 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.
6. 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.
7. 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.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 24-317)

Moved by Mandelbaum to adopt. Second by Coleman.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO				✓
TOTAL	6			1

MOTION CARRIED

APPROVED

Conie Boesen 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