

★ **Roll Call Number**

24-1348

Agenda Item Number

20

Date October 7, 2024

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF
101 FRANKLIN AVENUE AND A PORTION OF VACATED OHIO STREET
ADJOINING 101 FRANKLIN AVENUE TO MANS LEASING COMPANY, L.C.
FOR \$75,553.00**

WHEREAS, on May 20, 1985, by Roll Call No. 85-2388, the City Council of the City of Des Moines approved the Central Place Industrial Park Redevelopment Program Urban Renewal Plan, and such Plan has been amended 15 times (the urban renewal plan so amended is herein referred to as the "Plan"), bounded on the north and east by the Des Moines River, on the west by 2nd Avenue, and the south by University Avenue; and

WHEREAS, on August 9, 2021, by Roll Call No. 21-1288, the City Council of the City of Des Moines, Iowa approved vacation of a portion of Ohio Street right-of-way lying east of the east line of Lot 1, Block 2 Rollinson's Garden Addition to North Des Moines and north of the north right-of-way line of Franklin Avenue; and

WHEREAS, Mans Leasing Company, L.C., owner of 5636 NE 17th Street, Des Moines, Iowa, has offered to the City of Des Moines ("City") the purchase price of \$75,553.00 for the purchase of 101 Franklin Avenue and a portion of vacated Ohio Street (hereinafter "Property"), for construction of a new office/warehouse building, subject to 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 ten foot permanent easement for flood protection levee, which price reflects the fair market value of the Property as determined by the City's Real Estate Division and in consideration of the additional ten foot permanent easement; and

WHEREAS, there is no known current or anticipated public benefit or need for the 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 101 Franklin Avenue and a portion of vacated Ohio Street, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein, and further subject to a Permanent Easement for Flood Protection Levee:

Grantee: Mans Leasing Company, L.C.

Consideration: \$75,553.00

Legal Description:

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A PART OF LOTS 1 THRU 5, BLOCK 2 AND A PART OF VACATED OHIO STREET LYING IN BETWEEN BLOCKS 1 AND 2, ALL IN ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 0°(DEGREES) 11'(MINUTES) 51"(SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 103.09 FEET TO THE SOUTHWEST CORNER OF AN EXISTING CORRECTED PERMANENT EASEMENT FOR FLOOD PROTECTION LEVEE AS RECORDED IN BOOK 14609, PAGE 643-646; THENCE SOUTH 86°06'42" EAST ALONG THE SOUTH LINE OF SAID EXISTING EASEMENT, 311.96 FEET TO A POINT OF INTERSECTION OF THE EXTENDED SOUTH LINE OF SAID EASEMENT WITH THE WEST LINE OF SAID BLOCK 1; THENCE SOUTH 0°16'46" EAST ALONG THE WEST LINE OF SAID BLOCK 1, A DISTANCE OF 46.05 FEET TO A POINT BEING 35.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE SOUTH 29°29'38" WEST, 40.28 FEET TO A POINT ALONG THE EXTENDED SOUTH LINE OF SAID BLOCKS AND ALSO BEING 20.00 FEET WEST OF THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE SOUTH 89°50'07" WEST, 291.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 28304 SQUARE FEET.

2. A public hearing shall be held on October 21, 2024, 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.
3. In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. October 17, 2024 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).
4. 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.
5. Proceeds from this sale will be deposited into the Economic Development Enterprise Fund, CMO25033.

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Moved by Gatto to adopt. Second by Voss.

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	7			

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
Laura Baumgartner, City Clerk