



Roll Call Number

24-1466

Agenda Item Number

45

Date October 21, 2024

HOLD 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 voted to approve 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 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 easement for purposes of flood protection levee maintenance; 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; and

WHEREAS, on October 7, 2024, by Roll Call No. 24-1348, 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 October 21, 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:



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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of 101 Franklin Avenue and a portion of vacated Ohio Street adjoining 101 Franklin Avenue, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

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 101 Franklin Avenue and a portion of vacated Ohio Street adjoining 101 Franklin 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 Permanent Easement for Flood Protection Levee, and said conveyance is hereby approved:

Grantee: Mans Leasing Company, L.C.

Consideration: \$75,553.00

Legal Description:

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.

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. 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.



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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. Proceeds from this sale will be deposited into the Economic Development Enterprise Fund, CM025033.

(Council Communication No. 24-412)

Moved by SIMONSON to adopt. Second by Gatto.

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 BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (YEAS: 7).

MOTION CARRIED APPROVED
Connie 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