

★ **Roll Call Number**

24-1716

Agenda Item Number

20

Date December 23, 2024

SET HEARING FOR APPROVAL OF DOCUMENTS FOR A LAND EXCHANGE AGREEMENT WITH GALINSKY FAMILY REAL ESTATE, L.L.C. AND THE GARY L. GALINSKY TRUST AND MINDY SUE GALINSKY TRUST FOR PROPERTY LOCATED AT 3028 MAURY STREET AND 3016 MAURY STREET FOR THE SOUTHEAST CONNECTOR - SE 30TH STREET TO U.S. HIGHWAY 65 PROJECT

WHEREAS, Galinsky Family Real Estate, L.L.C., an Iowa limited liability company (“Seller”), is the owner of certain property located at 3028 Maury Street, Des Moines, Iowa (hereinafter “Seller Parcel”), legally described below; and

WHEREAS, Gary L. Galinsky, as Trustee of the Gary L. Galinsky Trust dated March 9, 2022, as amended, as to an undivided one-half (1/2) interest and Mindy Sue Galinsky, as Trustee of the Mindy Sue Galinsky Trust dated March 9, 2022, as amended, as to an undivided one-half (1/2) interest (“Recipient”), is the owner of two unaddressed properties located at the northeast corner of SE 30th Street and Maury Street with the District Parcel numbers of 050/01741-000-000 and 050/32307-101-044; and

WHEREAS, the Seller and the Recipient are related parties and hold title to the properties in different names; and

WHEREAS, the City of Des Moines, Iowa (“City”) is the owner of certain property located at 3016 Maury Street, Des Moines, Iowa (hereinafter “City Parcel”), which property adjoins the Recipient’s property located at the northeast corner of SE 30th Street and Maury Street, legally described below; and

WHEREAS, as part of the Southeast Connector – SE 30th Street to U.S. Highway 65 Project, the City has offered to convey the City Parcel to the Recipient in exchange for a portion of the Seller’s Parcel, subject to the following conditions:

- 1) Recipient will pay City \$150,000.00 at the time of closing to compensate the City for the estimated additional cost of extending the proposed Onawa Street beyond the original design further to the east across Seller’s Parcel.
- 2) Seller will demolish the house located on the Seller Parcel within 90 days from the date of Council acceptance of the Land Exchange Agreement, and is required to meet special demolition standards listed in the Land Exchange Agreement; and

WHEREAS, the above conditions represent an equitable exchange of value for the land exchange, as determined by the City’s Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the City Parcel proposed to be exchanged and the City will not be inconvenienced by the conveyance of said City Parcel.

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

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1. The City Council of the City of Des Moines, Iowa proposes to convey to Gary L. Galinsky, as Trustee of the Gary L. Galinsky Trust dated March 9, 2022 as amended, as to an undivided one-half (1/2) interest and Mindy Sue Galinsky as Trustee of the Mindy Sue Galinsky Trust dated March 9, 2022, as amended, as to an undivided one-half (1/2) interest certain property located at 3016 Maury Street, Des Moines, Iowa, legally described as follows:

LOTS 13 AND 14 OF THE SUBDIVISION OF LOT 19 IN FISHER FIELD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.48 ACRES (21,000 SQUARE FEET).

2. Galinsky Family Real Estate, L.L.C., in exchange for the City Parcel legally described above, offers to convey a portion of certain property located at 3028 Maury Street, Des Moines, Iowa, legally described as follows, subject to payment of \$150,000.00 by the Recipient at closing to compensate the City for the estimated additional cost of extending the proposed Onawa Street beyond the original design further to the east across Seller's Parcel; and subject to the demolition of the house located on the Seller Parcel within 90 days from the date of Council acceptance of the Land Exchange Agreement, subject to special demolition standards listed in the Land Exchange Agreement:

ALL OF LOT 11 AND THE EAST 16 FEET OF LOT 12 IN THE SUBDIVISION OF LOT 19 IN FISHER FIELD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 0.32 ACRES (13,860 SQUARE FEET).

3. A public hearing shall be held on January 13, 2025, 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.
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. The proceeds associated with this transaction shall be deposited into the SE Connector – SE 30th Street to U.S. Highway 65 project, ST256.

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Moved by Coleman to adopt. Second by Gatto.

APPROVED AS TO FORM:

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

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

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
Laura Baumgartner, City Clerk