

Date December 5, 2016

HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 1821 SOUTHEAST 36TH STREET TO AA MANAGEMENT L.L.C. FOR \$12,000

WHEREAS, on June 21, 1976, by Roll Call No. 3339, the City Council of the City of Des Moines, Iowa approved the acquisition of 1821 Southeast 36th Street Des Moines, Iowa ("Property") as part of the Vandalia Acres Relocation Project Area, more particularly described below; and

WHEREAS, the Property is now located within the boundary of the SE Agrimergent Business Park and is currently being leased to an adjoining landscaping business, AA Management, L.L.C., for outdoor storage of materials and equipment; and

WHEREAS, AA Management, L.L.C., owner of the real property known as 3618 Vandalia Road which adjoins the Property, has offered to the City of Des Moines, Iowa ("City"), the purchase price of \$12,000.00 for the purchase of said Property in order to obtain permanent ownership of the property for assemblage and continued use with their adjoining landscaping business, which price reflects the fair market value of the Property as currently determined by the City's Real Estate Division; and

WHEREAS, any change in use or redevelopment of the property will require review by the Urban Design Review Board and site plan approval by the City.

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 conveyance of said Property; and

WHEREAS, on November 21, 2016 by Roll Call No. 16-1992, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of Property be set down for hearing on December 5, 2016, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Property was given 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 City-owned real property located at 1821 Southeast 36th 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 Property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the Property, legally described as follows, to AA Management, L.L.C. for \$12,000.00, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

The North 100 Feet of Lots 50 and 51 Vandalia Acres, an Official Plat, all now included in and forming a part of the City of Des Moines.

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.

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. The proceeds from this land sale shall be deposited into the Southeast Agricultural District Fund, S370.

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(Council Communication No. 16- 679)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

RW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, 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.

City Clerk