



Date October 8, 2018

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM DES MOINES REGIONAL TRANSIT AUTHORITY FOR VOLUNTARY ACQUISITION OF PROPERTY IN THE VICINITY OF SW 11<sup>TH</sup> STREET AND DART WAY FOR THE GRAY'S STATION REGIONAL DETENTION BASIN PROJECT**

**WHEREAS**, Des Moines Area Regional Transit Authority (“DART”) owns property in the vicinity of SW 11<sup>th</sup> Street and Dart Way (“Property”) and has offered to sell said property to the City of Des Moines for the Gray’s Station Regional Detention Basin Project; and

**WHEREAS**, City of Des Moines (“City”) staff has negotiated a purchase price of \$346,000.00 for the voluntary acquisition of the Property, which is equal to the fair market value of the Property, as determined by an independent appraisal; and

**WHEREAS**, the purchase agreement for the Property is contingent upon the City agreeing to engage in good faith negotiations to convey the City’s Chesterfield Community Center property and adjoining City-owned land located at 2501 Maury Street to DART at no cost, which property has been valued at \$75,133 by the City’s Real Estate Division, with said value including the estimated cost for asbestos remediation and demolition on said property; and

**WHEREAS**, the above proposed property conveyance to DART at no cost, for relocation of DART’s current downtown operations facility located at 1100 Dart Way, with DART assuming all responsibility for asbestos remediation and demolition on said property, is in accordance with Iowa Code §364.7(3), subject to all legal requirements and future City Council approvals; and

**WHEREAS**, the proposed sale of the Property from DART has been approved by the Federal Transit Administration.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the following documents conveying a fee simple property interest to the City, recommended for approval and acceptance by the Real Estate Division of the Engineering Department and on file in the office of the City Clerk, be and are hereby approved and accepted as follows:

- Property Owner: Des Moines Area Regional Transit Authority (DART)
- Property Location: District/Parcel 020/01041-001-000, Des Moines, IA 50309
- Document Type: Offer to Purchase Real Estate and Acceptance;  
Warranty Deed
- Consideration: \$346,000.00 (Plus Closing Costs)

That the Finance Director is authorized and directed to issue checks to pay any costs certified by the Legal Department and the Engineering Department, and the Real Estate Division Manager is authorized and directed to obtain the checks, if any, needed to carry out this transaction and to deliver them to the payee(s).



**Roll Call Number**

**Agenda Item Number**

5B-1

**Date** October 8, 2018

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.

That the City Clerk is hereby authorized and directed to endorse upon the Warranty Deed the approval and acceptance of this Council; the Mayor is authorized and directed to sign the Offer to Purchase Real Estate and Acceptance and all necessary real estate documents associated with this acquisition; and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

(Council Communication No. 18- 491 )

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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