

13-2002

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Date December 23, 2013

**RESOLUTION HOLDING HEARING FOR THE CONVEYANCE BY INSTALLMENT CONTRACT OF CITY-OWNED PROPERTY AT 1704 SOUTH UNION STREET TO NEIGHBORHOOD DEVELOPMENT CORPORATION (NDC) FOR \$145,560**

**WHEREAS**, the City of Des Moines owns excess real property located at South Union Street and Granger Avenue locally known as 1704 South Union Street, and legally described below; and

**WHEREAS**, Neighborhood Development Corporation (NDC) has offered to the City of Des Moines the purchase price of \$145,560 for the purchase of the City parcel to be used for redevelopment in accordance with the permitted zoning regulations for the property, which purchase price reflects the fair market value of the City parcel as currently estimated by the City's Real Estate Division; and

**WHEREAS**, NDC and City staff have negotiated the terms of a real estate purchase installment contract, as on file in the office of the City Clerk, for the proposed conveyance in which the purchase price would be paid over a three-year period with a down payment of \$50,000 due prior to NDC's possession of the property, and two additional payments of \$50,000 and \$45,560 each, and which Contract is subject to reservation of permanent easement for utilities and compliance by NDC with any zoning and site plan requirements, as a covenant upon the City parcel; and

**WHEREAS**, there is no known current or future public need for the excess City-owned real property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of the City parcel; and

**WHEREAS**, on December 9, 2013, by Roll Call No. 13-1890, it was duly resolved by the City Council that the proposed conveyance be set down for hearing on December 23, 2013, at 5:00 p.m., in the City Council Chamber; 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 said notice, those interested in said 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 said proposed conveyance of excess City-owned real property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the property proposed to be sold, and the public would not be inconvenienced by reason of the sale and conveyance of excess City-owned real property located at

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South Union Street and Granger Avenue, locally known as 1704 South Union Street, as legally described below, to Neighborhood Development Corporation:

ALL OF LOTS 7 AND 8 IN BLOCK 10; AND

THE NORTH 50 FEET OF LOT 6 IN BLOCK 10; AND

EXCEPT THE SOUTH 82 FEET, ALL THAT PART OF THE 16.5 FOOT VACATED NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 5, 6, 7, AND 8 IN BLOCK 10 (VACATED BY ORDINANCE 14,365); AND

ALL OF PARCEL 'A' IN LOTS 1, 2, 3, AND 4 IN BLOCK 10, SAID PARCEL 'A' RECORDED IN BOOK 10252 PAGE 873 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA,

ALL IN VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the sale and conveyance of the City-owned real property located at South Union Street and Granger Avenue, locally known as 1704 South Union Street, as legally described above, to Neighborhood Development Corporation (NDC) for the consideration of \$145,560, payable over a three-year period with a down payment of \$50,000 due prior to NDC's possession of the property, and two additional payments of \$50,000 and \$45,560 each, together with payment by such grantee of the estimated publication and recording costs for this transaction, and pursuant to and in accordance with the terms of the Real Estate Purchase Installment Contract on file in the office of the City Clerk including reservation of permanent easement for utilities and compliance by NDC with any zoning and site plan requirements as a covenant upon the property, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Real Estate Purchase Installment Contract for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon proof of down payment of \$50,000, plus \$113 for publication and recording costs, and in accordance with the Installment Contract, the City Clerk is authorized and directed to forward the Real Estate Purchase Installment Contract, 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 hereby authorized and directed to administer and monitor all other terms of, and receipt of payment for, the Real Estate Purchase Installment Contract; to approve and execute documents pertaining to any minor or unsubstantial changes to said Contract, following approval of the City Legal Department as to form; and, if needed, to approve, proceed with and execute documents pertaining to forfeiture, foreclosure, or termination of the Contract if Neighborhood Development Corporation fails to fulfill the contract terms required, following approval of the City Legal Department.

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7. Upon confirmation by the City's Real Estate Division Manager of NDC's compliance with all Contract terms and proof of payment of full consideration of \$145,560, the Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of said Quit Claim Deed to the Real Estate Division Manager of the Engineering Department for the purpose of causing said document to be recorded.

8. The proceeds from the sale of this property shall be deposited as follows: Org - CMO25033.

(Council Communication No. 13- 611)

Moved by Voss to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

*RSW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			

**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.

Diane Rauh City Clerk

MOTION CARRIED 7-0-0 APPROVED  
T. M. Franklin Mayor