



Roll Call Number

14-0563

Agenda Item Number

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Date April 7, 2014

**HOLD HEARING FOR VACATION AND CONVEYANCE OF
ALLEN PARK LOCATED AT 504 SE 6TH STREET TO
CHRISTOPHER S. BUCHANAN FOR \$270,000**

WHEREAS, on February 10, 2014, by Roll Call 14-0229, the City Council of the City of Des Moines voted to receive and file a request from Hansen Real Estate Services representing Christopher S. Buchanan, doing business as Scotty's Body Shop, to purchase City-owned park property at 504 SE 6th Street (hereinafter "Allen Park"); and

WHEREAS, on February 25, 2014, the Park and Recreation Board voted to approve a recommendation that the City Council vacate and convey Allen Park and dedicate approximately 2.8 acres of City-owned property at Maury Street and SE 6th Street as parkland as a replacement of the Allen Park parkland, and to designate the sale proceeds to off-set the cost of relocating the current park amenities to the new proposed park; and

WHEREAS, Christopher S. Buchanan has offered to the City of Des Moines the purchase price of \$270,000 for Allen Park, which price reflects the appraised value as determined by an independent appraiser and also reflects the fair market value of Allen Park as further determined by the City's Real Estate Division; and

WHEREAS, Christopher S. Buchanan and the City Real Estate Division have negotiated an Offer to Purchase, which Offer includes, among other terms, the provision that closing on the sale of Allen Park shall be subject to an approved site plan, subject to compliance with all applicable City zoning restrictions, and that the buyer's application and permit fees for due diligence testing of Allen Park prior to the date of this hearing will be waived and/or credited back to the buyer at closing; and

WHEREAS, there is no known current or anticipated public benefit or need for Allen Park that is proposed to be vacated insofar as the City-owned property at Maury Street and SE 6th Street is proposed to be dedicated as parkland as a replacement of the Allen Park parkland, and the City will not be inconvenienced by the proposed vacation and sale of said Allen Park; and

WHEREAS, on March 24, 2014, by Roll Call No. 14-0479, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on April 7, 2014, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey Allen Park 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 vacation and 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.



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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 vacation and conveyance of Allen Park, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for Allen Park, insofar as the City-owned property at Maury Street and SE 6th Street is proposed to be parkland as a replacement of the Allen Park parkland, and the public would not be inconvenienced by reason of the vacation of Allen Park, located at 504 SE 6th Street, legally as follows:

LOTS 6, 7, 8, 9 AND 10, BLOCK 46, TOWN OF DE MOINE, AN OFFICIAL PLAT,
ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES
MOINES, POLK COUNTY, IOWA.

3. The proposed sale of such vacated Allen Park parkland, as legally described below, to Christopher S. Buchanan for \$270,000.00, and in accordance with the requirements of the Park and Recreation Board recommendation and the terms of the Offer to Purchase, is hereby approved:

VACATED LOTS 6, 7, 8, 9 AND 10, BLOCK 46, TOWN OF DE MOINE, AN OFFICIAL
PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES
MOINES, POLK COUNTY, IOWA.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating said right-of-way and 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 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 upon closing.

6. The Real Estate Division Manager is authorized and directed to forward the original of the 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 upon closing.

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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 associated with this property will be deposited into the following account: 2014-15 CIP, Park Improvements, Page Park Improvements – 12, PK137.

(Council Communication No. 14-148)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

RA

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
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.

T. M. Franklin Mayor

Diane Rauh City Clerk