



**Roll Call Number**

22-1561

**Agenda Item Number**

58

**Date** October 3, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF CITY-OWNED PROPERTY LOCALLY KNOWN AS GEOPARCEL NO. 7924-28-405-004 TO DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT**

**WHEREAS**, the City of Des Moines is the owner of certain property located west of and adjoining Prospect Park and locally known as Geoparcels No. 7924-28-405-004, Des Moines, Iowa (“Property”); and

**WHEREAS**, on June 17, 2002 the City of Des Moines (“City”) and the Des Moines Independent Community School District (“District”) entered into a Lease Agreement for the Property; and

**WHEREAS**, said Lease Agreement expired on June 30, 2022 and it was subsequently suggested by the City of Des Moines Parks and Recreation Director that the portion of the Property being used by the District for employee parking be separated from the larger parcel and conveyed to the District, subject to a provision allowing public use of the Property outside of normal business hours; and

**WHEREAS**, the District has agreed to acquire the Property for no consideration in accordance with Iowa Code §364.7(3), subject to the terms conditions contained in the Offer to Purchase Real Estate From the City of Des Moines and Acceptance, including the following:

- (A) **RESERVATION OF UTILITY EASEMENTS.** The conveyance of this Property is subject to any and all easements, restrictions, and covenants of record on the Property.
- (B) **COMBINING TAX PARCELS.** The conveyance of this Property is subject to the District combining the Property with its adjoining property to create a single parcel for tax purposes.
- (C) **PUBLIC PARKING.** District agrees to provide to the City twenty (20) parking spaces along the east side of the Property for use by the public between the hours of 4:00 p.m. and 10:00 p.m. Monday through Friday, and 6:00 a.m. and 10:00 p.m. Saturday and Sunday.
- (D) **REVERSIONARY INTEREST.** The conveyance of this Property is further subject to a reversionary interest clause, which shall be included in the Quit Claim Deed to the Seller; and

**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 sale and conveyance of said Property; and

**WHEREAS**, on September 12, 2022 by Roll Call No. 22-1410, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on October 3, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and



**Roll Call Number**

22-1561

**Agenda Item Number**

58

**Date** October 3, 2022

**WHEREAS**, due notice of said proposal to convey the Property was given to all necessary parties 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 certain property located west of and adjoining Prospect Park and locally known as Geoparcels No. 7924-28-405-004, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of certain property located west of and adjoining Prospect Park and locally known as Geoparcels No. 7924-28-405-004, as legally described below, to the Des Moines Independent Community School District, and for no consideration in accordance with Iowa Code §364.7(3), subject to the terms and conditions contained in the Offer to Purchase Real Estate From the City of Des Moines and Acceptance:

**PARCEL 2022-34**

AN IRREGULAR SHAPED PORTION OF LOT 5, HARKIN'S PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N00°21'42"E ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 493.80 FEET TO THE SOUTH RIGHT OF WAY LINE OF PROSPECT ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE N82°40'56"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID PROSPECT ROAD, A DISTANCE OF 150.65 FEET; THENCE S07°12'30"E, A DISTANCE OF 518.06 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE N89°44'28"W ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 217.55 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 92,736 SQUARE FEET (2.13 ACRES).

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.



**Roll Call Number**

22-1561

**Agenda Item Number**

58

**Date** October 3, 2022

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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Sheumaker to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				

J. M. Franklin Cownie 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