



Roll Call Number

22-1921

Agenda Item Number

54

Date December 12, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF VACATED SOUTHEAST 4<sup>th</sup> STREET RIGHT-OF-WAY ADJOINING 403 SCOTT AVENUE AND 605 THROUGH 619 SOUTHEAST 4<sup>th</sup> STREET TO ARTISTIC IRON PROPERTIES, L.C. FOR \$32,100**

**WHEREAS**, on October 24, 2022, by Roll Call No. 22-1677, the City Council of the City of Des Moines, Iowa voted to approve the vacation of the portion of Southeast 4<sup>th</sup> Street right-of-way located west of and adjoining 403 Scott Avenue and 605 through 619 SE 4<sup>th</sup> Street, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated; and

**WHEREAS**, Artistic Iron Properties, L.C. (“Buyer”), an Iowa limited liability company, owner of 403 Scott Avenue and 605 through 619 SE 4<sup>th</sup> Street, has offered to the City of Des Moines (“City”) the purchase price of \$32,100.00 for the purchase of the portion of vacated Southeast 4<sup>th</sup> Street right-of-way located west of and adjoining its property (hereinafter “Property”) for assemblage with 403 Scott Avenue and 605 through 619 SE 4<sup>th</sup> Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, and further subject to a no-build easement which shall be included in the quit claim deed from the City to the Buyer, which price reflects the restricted fair market value of the City Property as determined by the City’s Real Estate Division; 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 November 21, 2022 by Roll Call No. 22-1795, 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 December 12, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**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 the portion of Southeast 4<sup>th</sup> Street right-of-way located west of and adjoining



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403 Scott Avenue and 605 through 619 SE 4<sup>th</sup> Street, 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 the portion of Southeast 4<sup>th</sup> Street right-of-way located west of and adjoining 403 Scott Avenue and 605 through 619 SE 4<sup>th</sup> Street, Des Moines, Iowa, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein and said conveyance is hereby approved:

Grantee: Artistic Iron Properties, L.C.

Consideration: \$32,100.00

Legal Description:

PARCEL #2022-1164

ALL THAT PART OF VACATED SOUTHEAST 4TH STREET RIGHT OF WAY LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF SCOTT AVENUE AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 12, BLOCK 80, TOWN OF DE MOINE, AN OFFICIAL PLAT, -EXCEPT PARCEL 2022-1164 AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 19315 PAGE 47 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.17 ACRES (7,584 SQUARE FEET).

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.



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

Moved by Gatto to adopt. Second by Mandelbaum

APPROVED AS TO FORM:

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

Dive

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Includes signature of T. M. Franklin Cowan, 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 signature and title: Laura Baumgartner, City Clerk