

★ Roll Call Number

23-0324

Agenda Item Number

46

Date March 6, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF
EXCESS CITY PROPERTY LOCALLY KNOWN AS 85 JEFFERSON AVENUE TO LT
LEON ASSOCIATES, INC. FOR \$15,000**

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate locally known as 85 Jefferson Avenue, Des Moines, Iowa, (hereinafter collectively “Property”), more particularly described below; and

WHEREAS, LT Leon Associates, Inc. has offered to the City of Des Moines, Iowa, the purchase price of \$15,000.00 for the purchase of said Property in order to redevelopment the property with a commercial office building, which price reflects the appraised value of \$84,100.00 and a credit towards the purchase price in the amount of \$69,100.00 as an offset towards the cost of soil remediation required for development of the Property. The \$15,000.00 final amount due reflects the fair market value as determined by the City’s Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on February 20, by Roll Call No. 23-0219, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on March 6, 2020, at 5:00 p.m., in the City Council Chambers; 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of certain real estate locally known as 85 Jefferson Avenue, Des Moines, Iowa, as legally described, to the grantees, and for the consideration identified below, and said conveyance be and is hereby approved, subject to a reservation of easements therein:

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Grantee: LT Leon Associates, Inc.

Consideration: \$15,000.00

Legal Description: A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 (NW 1/4) OF SECTION 35, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, BEING A PART OF BLOCK 4 OF ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 2 AND 3 OF SAID ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, EXCEPT THAT PORTION OF SAID LOTS 2 AND 3 CONTAINED IN THE CORRECTED PERMANENT EASEMENT FOR FLOOD PROTECTION LEVEE AS RECORDED IN BOOK 14609, PAGE 639 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; AND

ALL OF LOTS 8 THROUGH 12 OF SAID ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES; AND

THAT PORTION OF THE VACATED ALLEY LYING BETWEEN LOTS 2, 3, 12, AND 13 OF SAID ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, WHICH IS MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SW CORNER OF SAID LOT 3; THENCE N89°42'51"E ALONG THE SOUTH LINE OF SAID LOTS 2 AND 3, A DISTANCE OF 100.27 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S01°09'08"W, A DISTANCE OF 14.21 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE S89°43'16"W ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 50.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 13; THENCE S89°55'41"W ALONG THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 49.87 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE N00°07'43"W, A DISTANCE OF 14.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT BEING THE POINT OF BEGINNING, SAID PORTION OF VACATED ALLEY;

ALL IN SAID ROLLINSON'S GARDEN ADDITION TO NORTH DES MOINES, SAID TRACT CONTAINING 36,560 SQUARE FEET, OR 0.84 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.

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4. 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.

5. 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 the documents to be recorded.

6. 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.

4. Proceeds from this sale will be deposited into the Economic Development Enterprise Fund, CM025033.


(Council Communication No. 23-125)

Moved by Sheumaker to adopt. Second by Gatto

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	APPROVED			
 M. Frank 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, City Clerk