



Roll Call Number

Agenda Item Number

23-1037

65

Date July 17, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PORTION OF EXCESS CITY PROPERTY LOCATED EAST OF AND ADJOINING 1700 SCOTT AVENUE TO C & C REALTY, LLC FOR \$25,640**

**WHEREAS**, on December 17, 2018 by Roll Call 18-2110 the City Council of the City of Des Moines, Iowa approved a Land Exchange Agreement with Hawkeye Land Co. whereby the City acquired a Temporary Easement for Construction, a portion of vacated Market Street within the Market District and a vacant parcel located east of and adjoining 1700 Scott Avenue, Des Moines; and

**WHEREAS**, C & C Realty, LLC, 1700 Scott Avenue, Des Moines, Iowa, has offered to the City of Des Moines (“City”) the purchase price of \$25,640.00 for the purchase of the vacant parcel located east of and adjoining its property at 1700 Scott Avenue (hereinafter “Property”), for assemblage with 1700 Scott Avenue, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the 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 June 26, 2023 by Roll Call No. 23-0899, 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 July 17, 2023, 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 vacant parcel located east of and adjoining 1700 Scott Avenue, 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 a vacant City-owned parcel of land located south of Martin Luther King, Jr. Parkway, east of and adjoining 1700 Scott Avenue, 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: C & C Realty, LLC



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Grantee: C & C Realty, LLC

Consideration: \$25,640.00

Legal Description: A PARCEL OF LAND DEEDED TO THE CITY OF DES MOINES, IOWA AND RECORDED AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA IN BOOK 17235 PAGES 774-778 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1, 4, AND 5 OF THE OFFICIAL PLAT OF LOT 46 BROOKS & COS ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF LOT 2 OF THE OFFICIAL PLAT OF LOT 45, BROOKS & COS ADDITION TO THE CITY OF DES MOINES; THENCE NORTH 89° (DEGREES) 45' (MINUTES) 10" (SECONDS) WEST, 355.01 FEET ON THE NORTH RIGHT OF WAY LINE OF SCOTT STREET (AVENUE) TO THE SOUTHEAST CORNER OF SAID LOT 5 AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°45'10" WEST, 32.29 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 00°12'57" EAST, 318.59 FEET; THENCE 128.42 FEET ON A 363.00 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD LENGTH OF 127.75 FEET AND BEARS NORTH 09°47'56" WEST; THENCE NORTH 90°00'00" EAST, 51.68 FEET TO THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°08'56" EAST, 444.61 FEET ON THE EAST LINE OF SAID LOTS 1, 4, AND 5 TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES MORE OR LESS.

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



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Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno

Mackenzie L. Moreno, Assistant City Attorney

DM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franke 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