



**Roll Call Number**

24-0356

**Agenda Item Number**

46

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**Date** March 4, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 3312 8<sup>TH</sup> STREET TO CITY OF DES MOINES MUNICIPAL HOUSING AGENCY**

**WHEREAS**, on May 20,2019, by Roll Call No. 19-0791, the City Council of the City of Des Moines, Iowa voted to approve the acquisition of the necessary property interests for the 2019 City-wide Sewer and Surface Water Flowage Repair project, hereinafter (“Project”); and

**WHEREAS**, as part of the Project, the City acquired the property located at 3312 8<sup>th</sup> Street from Randy Schuh; and

**WHEREAS**, **City of Des Moines, Iowa Municipal Housing Agency**, 3400 8<sup>th</sup> Street, Des Moines, has offered to the City of Des Moines (“City”) the purchase price of \$1.00 for the purchase of 3312 8<sup>th</sup> Street lying south of and adjoining its property at 3400 8<sup>th</sup> Street, for assemblage with 3400 8<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, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, The City reserves a permanent easement upon, over and within the west 50 feet of the property, for storm sewer and surface water flowage, legally described as; and

***-EXCEPT THE EAST 80.0 FEET THEREOF-***, LOTS TWO (2) AND THREE (3) AND THE 50 FEET IMMEDIATELY WEST OF AND ADJACENT TO SAID LOTS 2 AND 3 IN MANN’S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT, (*ALSO DESCRIBED AS L.M. MANN’S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT*), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 10,175 SQUARE FEET

**WHEREAS**, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

**WHEREAS**, on February 19,2024, by Roll Call No. 24-0248, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the property be set for hearing on March 4, 2024, 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 given 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



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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 property, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of 3312 8<sup>th</sup> Street, located south of and adjoining 3400 28<sup>th</sup> Street, 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: City of Des Moines, Iowa Municipal Housing Agency**

**Consideration: \$1.00**

**Legal Description:**

LOTS TWO (2) AND THREE (3) AND THE 50 FEET IMMEDIATELY WEST OF AND ADJACENT TO SAID LOTS 2 AND 3 IN MANN'S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT, (*ALSO DESCRIBED AS L.M. MANN'S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT*), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.33 ACRES (14,175 SQUARE FEET).

4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. 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 a copy 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 Westergaard to adopt. Second by Gatto

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL. Includes signature of Connie Boesen, 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.
Signature of Laura Baumgartner, City Clerk