CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: June 17, 2019

ITEM: Resolution – Sale and conveyance of property located near First Street and Grand Avenue

FINANCIAL IMPACT: $13,452.00 to City

SYNOPSIS: As part of the Walnut Creek Stormwater Improvement Project, the City of West Des Moines acquired and demolished the former Grand Avenue Pet Clinic and the former Sully's Irish Pub in order to install a major underground stormwater conveyance facility. The property acquired by the City is located immediately west of First Street and immediately south of Grand Avenue. To facilitate better access to the area, the City has negotiated an agreement with Hurd Indianola, LLC, an adjacent property owner, for the sale and conveyance of a portion of the property for $3/square foot, or $13,452.00 for the parcel. The City will retain a permanent utility easement on the property to access and service the stormwater facility.

The attached Resolution approves the sale and conveyance of the property, subject to the reservation of the public utility easement.

RECOMMENDATION:

Approve - Resolution approving the sale and conveyance of property from the City of West Des Moines to Hurd Indianola, LLC

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney RJS
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	DM Register
Dates(s) Published	June 12, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation			

Prepared by: Richard J. Scieszinski, City Attorney, PO Box 65320, West Des Moines, IA 50265-0320 (515) 222-3614
Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines IA 50265 (515) 222-3600

SPACE ABOVE THIS LINE FOR RECORDER

RESOLUTION NO. _____

RESOLUTION OPENING AND CLOSING PUBLIC HEARING AND AUTHORIZING THE SALE AND CONVEYANCE OF PROPERTY TO HURD INDIANOLA, LLC

WHEREAS, in conjunction with the Walnut Creek Stormwater Improvement Project, the City of West Des Moines, Iowa has acquired property necessary for the installation of a stormwater conveyance facility; and

WHEREAS, a portion of the property interests ("Property") acquired for the Project are no longer needed by the City; and

WHEREAS, an agreement has been negotiated between the City and Hurd Indianola, LLC, an adjacent property owner to the Property, for the sale of the Property, subject to conditions imposed by the City; and

WHEREAS, it is the policy of the City of West Des Moines, Iowa, to approve the conveyance of all property interests from the City; and

WHEREAS, the negotiated agreement requires payment from Hurd Indianola, LLC of $13,452.00 for the sale and conveyance of the property; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice for the sale of the property legally described above and attached hereto as Exhibit "A" was made on June 12, 2019; and

WHEREAS, this being the time and place for a public hearing regarding sale of the above legally-described property; and

WHEREAS, it is in the best interest of the City to approve and accept the Offer to Purchase and to convey the property to Hurd Indianola, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. Pursuant to Code of Iowa Section 364.7, publication of notice regarding the sale of the property legally-described on the attached **Exhibit "A"** has been properly made.

2. The public hearing regarding the sale of the above legally-described property is closed and the sale and conveyance of the property to Hurd Indianola, LLC is approved.

3. The Offer to Purchase is hereby approved and accepted.

4. The Mayor is authorized to sign all documents necessary to convey the property to Hurd Indianola, LLC and the City Clerk is directed to attest to his signature.

5. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement to convey the property.

PASSED AND ADOPTED this 17th day of June, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

NOTICE OF PUBLIC HEARING

The West Des Moines City Council will hold a public hearing at 5:35 p.m. on June 17, 2019 at the West Des Moines City Hall Council Chambers, 4200 Mills Civic Parkway, West Des Moines, Iowa to consider the sale of property to Hurd Indianola, LLC, generally described as:

- ✓ A parcel of land located in Lot 2 and Lot 3, Linnwill Plat 2, an Official Plat in the City of West Des Moines, Polk County, Iowa, approximately 25 feet by 150 feet, lying immediately south of Grand Avenue and comprising 0.10 acres, subject to conditions imposed by the City; and

  A parcel of land located in Lot 2, Linnwill Plat 2, an Official Plat in the City of West Des Moines, Polk County, Iowa, approximately 30 feet by 82 feet and comprising 0.08 acres, subject to conditions imposed by the City.

Any interested person may appear at the hearing and be heard regarding the proposal. A detailed location map showing the property may be obtained at West Des Moines City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa.

CITY OF WEST DES MOINES, IOWA

By:_____
Ryan T. Jacobson, City Clerk

Published in the Des Moines Register on _____, 2019.

Index Legend	
Location:	Lots 2 & 3, Linnwill Plat 2
Requestor:	City of West Des Moines
Proprietor:	City of West Des Moines
Surveyor:	Jody Budde
Surveyor Company:	Foth Infrastructure & Environment, LLC
Return To:	8191 Birchwood Court, Suite L Johnston, IA 50131 | (515) 254-1393

PLAT OF SURVEY #2018-18

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN LOT 2 AND LOT 3 IN LINNWILL PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, AS RECORDED IN BOOK M, PAGE 229 OF THE POLK COUNTY RECORDER'S OFFICE, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, THENCE SOUTH 89° 59' 44" EAST, 25.02 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE; THENCE SOUTH 00° 01' 52" WEST, 179.24 FEET TO THE EXTENSION OF THE SOUTH LINE OF LOT 4 IN SAID LINNWILL PLAT 2; THENCE SOUTH 89° 50' 52" WEST, 25.01 FEET ALONG SAID EXTENSION TO THE EAST LINE OF SAID LOT 4; THENCE NORTH 00° 01' 33" EAST, 179.31 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4,484 SQUARE FEET OR 0.10 ACRES MORE OR LESS.

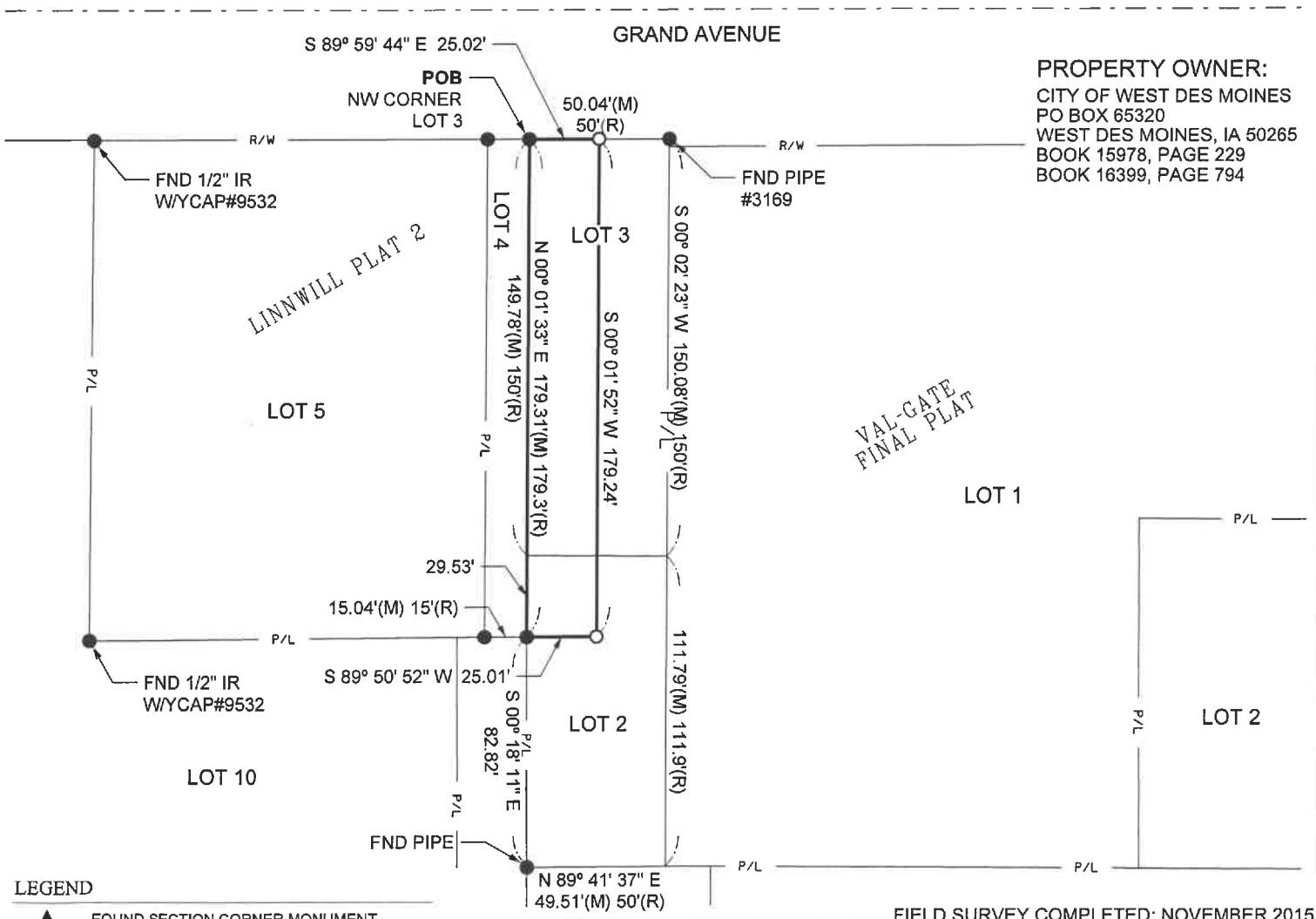
FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

N

0 30 60

FEET

NOTE: MONUMENTS SHOWN TO BE SET WILL BE ESTABLISHED AFTER CONSTRUCTION IS COMPLETED



PROPERTY OWNER:
CITY OF WEST DES MOINES
PO BOX 65320
WEST DES MOINES, IA 50265
BOOK 15978, PAGE 229
BOOK 16399, PAGE 794

LEGEND

▲ FOUND SECTION CORNER MONUMENT

△ SET SECTION CORNER MONUMENT

FIELD SURVEY COMPLETED: NOVEMBER 2015

I hereby certify that this land surveying document was prepared and the