CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **September 16, 2019**

ITEM: Resolution – Sale and conveyance of property located near SE 11th Street and Veterans Parkway

FINANCIAL IMPACT: $167,000 to City

SYNOPSIS: On July 12, 2011 Hurd Land Company, LLC (Hurd) and the City of West Des Moines executed a Settlement Agreement following an appeal of the condemnation award made by the Polk County Condemnation Commission in 2009 regarding the Southwest Connector Project (n/k/a Veterans Parkway). A provision of the Settlement Agreement granted Hurd *First Right of Refusal* to purchase property adjacent to the Project on terms provided by the City. Subsequent to the City obtaining an appraisal of $120,000 for the property, which comprises 2.82 acres, the *Offer Regarding Right of First Refusal* was presented to Hurd Land Company, LLC, which it accepted.

Additionally, a portion of the property condemned for the Southwest Connector in 2009 from Hurd Real Estate Services, Inc. comprising 0.54 acre has been determined to be excess property. Pursuant to Iowa Code 6B.56, Hurd Real Estate Services, Inc. is entitled to an offer of first refusal regarding purchase of the property at the appraised fair market value of $47,000, which it has accepted.

The attached Resolution approves the sale and conveyance of property to Hurd Land Company, LLC on terms and conditions contained in the *Offer Regarding First Right of Refusal* and the sale and conveyance of property to Hurd Real Estate Services, Inc. pursuant to Iowa Code.

RECOMMENDATION: Approve – Resolution for the sale and conveyance of property from the City of West Des Moines to Hurd Land Company, LLC and Hurd Real Estate Services, Inc.

Lead Staff Member: Richard J. Scieszinski, City Attorney RJS

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	KM

PUBLICATION(S) (if applicable)

Published In	DM Register
Dates(s) Published	Sept. 11, 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 LAND COMPANY

WHEREAS, in fulfillment of the Settlement Agreement executed by Hurd Land Company ("Hurd") and the City of West Des Moines, Iowa on July 12, 2011, the City has provided Hurd an *Offer Regarding First Right of Refusal* for 2.82 acres of Parcel E, a parcel of property located in the City of West Des Moines, Polk County, Iowa as shown in Book 7827, Page 281 in the Office of the Polk County, Iowa Recorder as shown on Exhibit "A"; and

WHEREAS, based upon the fair market value established by appraisal of the property, the Offer requires payment from Hurd Land Company of $120,000.00 for the sale and conveyance of the property; and

WHEREAS, Hurd has agreed to the terms and conditions of the *Offer Regarding First Right of Refusal*; and

WHEREAS, the City of West Des Moines also seeks to dispose of unused real property acquired from Hurd Real Estate Services, Inc. by condemnation for the Southwest Connector Project in 2009 and shown on the attached Exhibit "B"; and

WHEREAS, pursuant to Iowa Code Section 6B.56, Hurd Real Estate Services, Inc., as condemnee of the property, has the right of first refusal to purchase the property at the established fair market value of $47,000.00; and

WHEREAS, Hurd Real Estate Services, Inc. has agreed to purchase the property at the appraised fair market value; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice for the sale of the properties described above and shown on the attached Exhibit "C" has been made; and

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

WHEREAS, in compliance with both the Settlement Agreement and the requirements of Iowa Code Section 6B.56, sale and conveyance of the properties from the City to Hurd Land Company and Hurd Real Estate Services, Inc. is appropriate.

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" and Exhibit "B" 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 Land Company on terms and conditions of the *Offer Regarding First Right of Refusal* and sale and conveyance to Hurd Real Estate Services, Inc. pursuant to Iowa Code section 6B.56 is approved.

3. The City Attorney is authorized to take all steps necessary and consistent with the *Offer Regarding First Right of Refusal* and Iowa Code section 6B.56 to convey the property to Hurd Land Company and Hurd Real Estate Services, Inc.

PASSED AND ADOPTED this 16h day of September, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

EXHIBIT "A"

SITE SURVEY – WEST PROPERTY

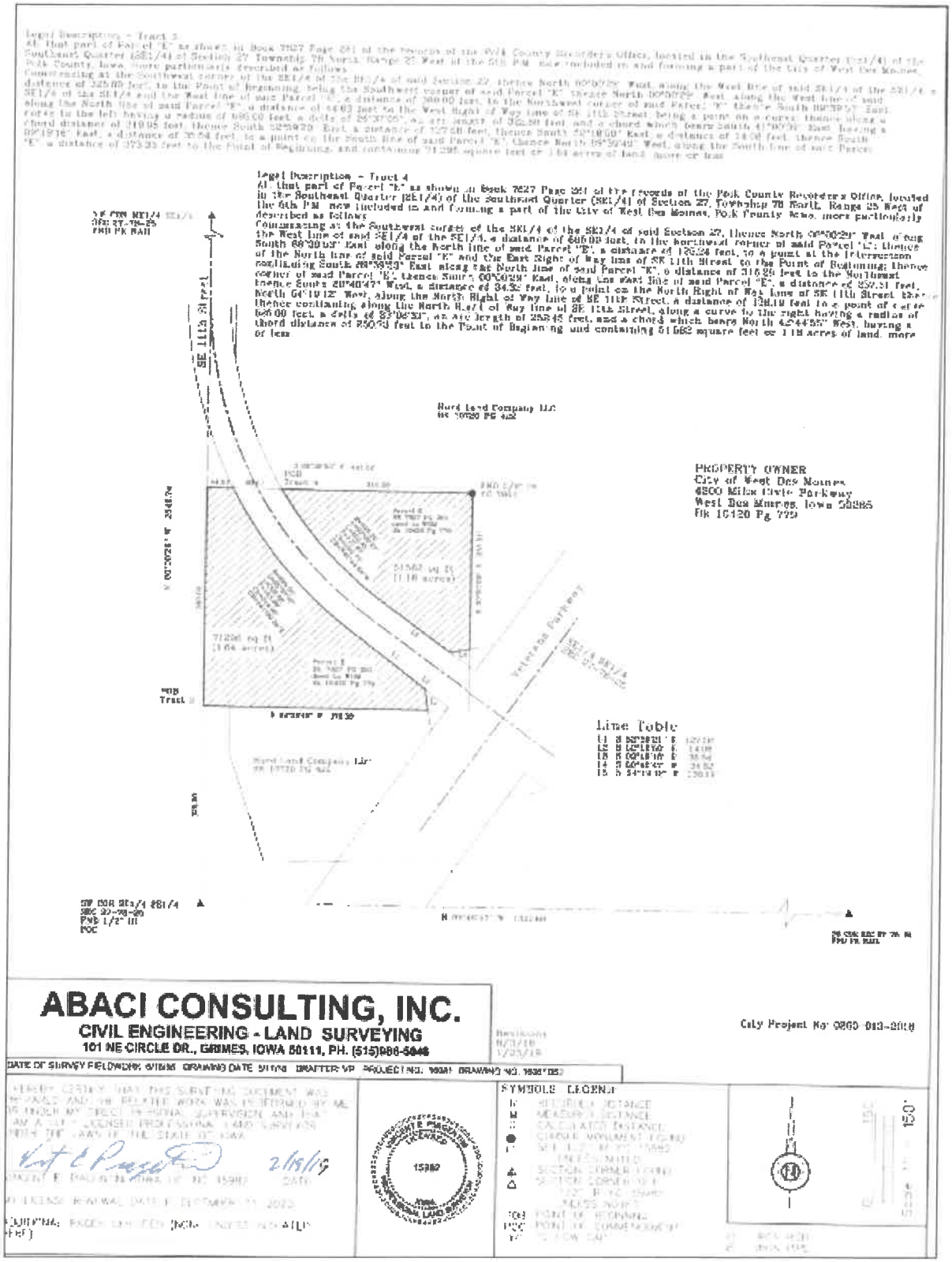
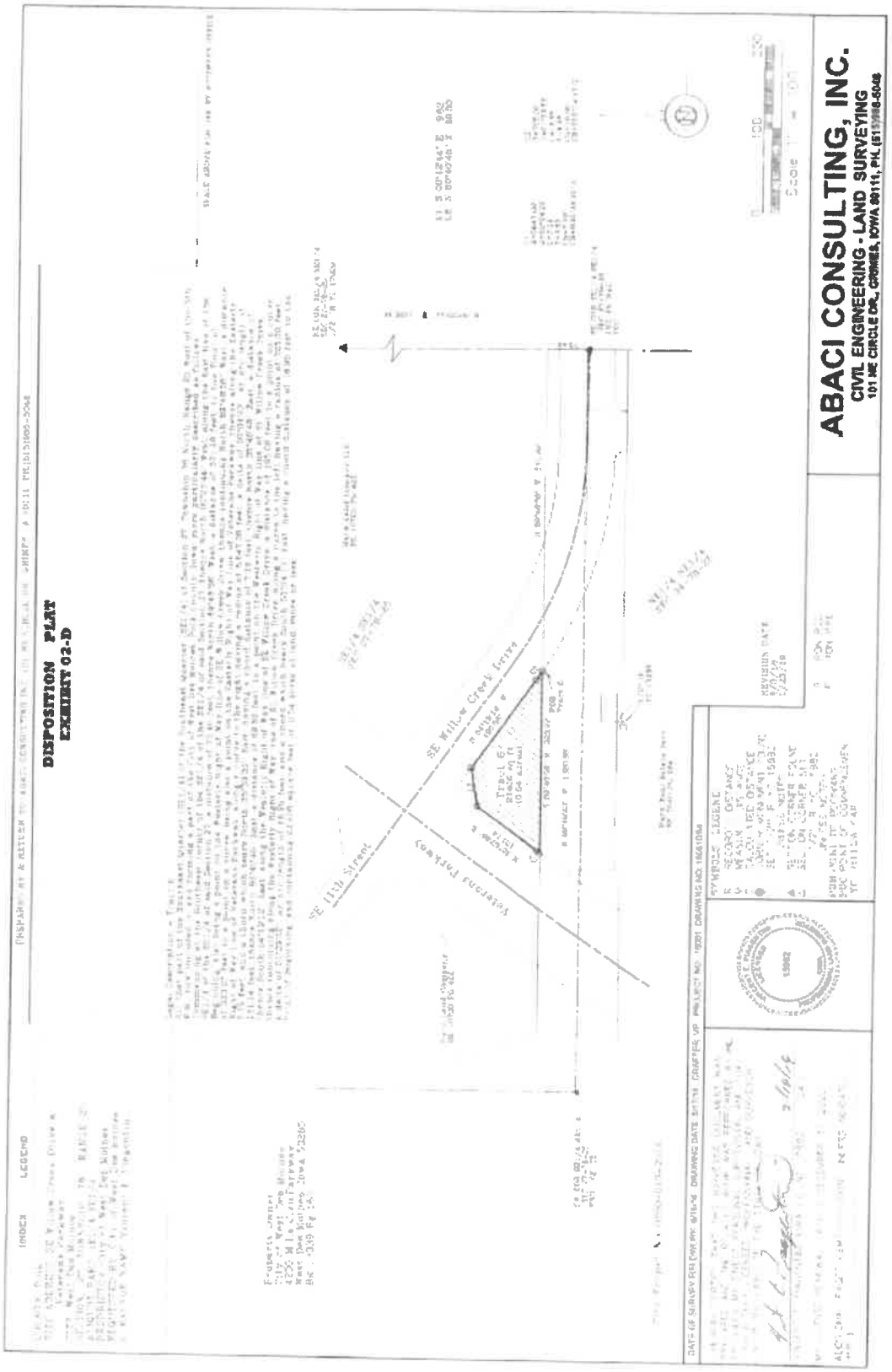


EXHIBIT "B"

SITE SURVEY – EAST PROPERTY