

Agenda Report

May 20, 2013 City Council Meeting

May 20, 2013

Item No. 23

ISSUE: SALE OF PROPERTY

Bids for the 7.8 acres on Hickman are due back to City Hall by 4pm on Friday May 17th at 4:00pm. As of today, the City has received one proposal.

BACKGROUND:

The resolution allows the City to make a final determination on the disposal (sale) of the property located off 63rd and Hickman. Although the resolution allows the sale to Hurd Land Company, L.L.C., it can be changed if the Council decides to go with another bid. The bids will be opened at Monday's Council meeting following by closed session and a vote on the resolution. Give me a call if you have any questions prior to the meeting.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 13-0535 once the bids are opened and the Council determines their course of action.

STAFF CONTACTS:

Jeffrey A. Fiegenschuh, City Administrator

(This agenda item(s) should be incorporated with the other items in your regular agenda and posted or published as required)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Windsor Heights, Iowa.
Date of Meeting: May 20, 2013.
Time of Meeting: 6:00 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 1133 - 66th Street,
Windsor Heights, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Hearing on Disposal of Interests in Real Property to Hurd Land Company, L.L.C., an Iowa limited liability company.
- Resolution Making Final Determination on Disposal of Interests in Real Property to Hurd Land Company, L.L.C., an Iowa limited liability company.

Such additional matters as are set forth on the additional _____ page(s) attached hereto. (number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

City Clerk, Windsor Heights, Iowa

May 20, 2013

The City Council of Windsor Heights, Iowa, met in regular session, in the Council Chambers, City Hall, 1133 66th Street, Windsor Heights, Iowa, at 6:00 o'clock P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

The Mayor announced that this was the time and place for consideration of proposals to purchase and for the public hearing and meeting on the matter of the proposal to dispose of interests in real property to Hurd Land Company, L.L.C., an Iowa limited liability company, and that notice of the proposed action by the Council to enter into said Agreement had been published pursuant to the provisions of Section 403.8 of the Code of Iowa.

The Mayor then asked the Clerk whether any proposals had been submitted or any written objections had been filed by any City resident or property owner to the proposed action. The Clerk advised the Mayor and the Council that _____ proposals and _____ written objections had been filed. The Mayor then called for oral objections and _____ were made. Whereupon, the Mayor declared the time for receiving proposals and oral and written objections to be closed.

Council Member _____ introduced the following Resolution entitled "RESOLUTION MAKING FINAL DETERMINATION ON DISPOSAL OF INTERESTS IN REAL PROPERTY TO HURD LAND COMPANY, L.L.C., AN IOWA LIMITED LIABILITY COMPANY", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION 13-0535
RESOLUTION MAKING FINAL DETERMINATION ON
DISPOSAL OF INTERESTS IN REAL PROPERTY TO
HURD LAND COMPANY, L.L.C., AN IOWA LIMITED
LIABILITY COMPANY

WHEREAS, the City has received a purchase agreement from Hurd Land Company, L.L.C., an Iowa limited liability company, for the purchase of approximately 7.9 acres of real property owned by the City which is bordered by Hickman Road to the North, 63rd Street to the East, legally described as part of Lots 1 through 6, Suburban Farms, City of Windsor Heights, Polk County, Iowa (the "Property"); and

WHEREAS, Hurd Land Company, L.L.C., an Iowa limited liability company, would purchase the property for development; and

WHEREAS, the City Council has determined that the future development of said Property would create new jobs and expand the City's tax base; and

WHEREAS, the terms of the Purchase Agreement satisfy the "fair market value" and "competitive bidding" requirements of Iowa Code Section 403.8; and

WHEREAS, in strict compliance with Section 403.8, Code of Iowa, the Council has set forth its proposal to dispose of interests in said Property to Hurd Land Company, L.L.C., an Iowa limited liability company, by published notice of hearing on the purchase agreement and has held said hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINDSOR HEIGHTS, IOWA:

Section 1. The Council finds that disposal of interests in real property to Hurd Land Company, L.L.C., an Iowa limited liability company, as set forth in the Purchase Agreement now on file will benefit the health, safety and welfare of, and is in the best interests of the residents of the City. The Council further finds that any sale of the property will promote economic development in the City and that these benefits, together with the proposed sale price, constitute fair consideration for the disposal of interests in the property under Section 403.8, Code of Iowa. Furthermore, the City has had an appraisal completed for the Property, and the sale price exceeds the appraised price for the Property.

Section 2. The proposal to dispose of interests in real property to Hurd Land Company, L.L.C., an Iowa limited liability company, through execution of the proposed Purchase Agreement is hereby approved.

Section 3. The Mayor and City Clerk are hereby authorized and directed to enter into the Purchase Agreement and to take action, as necessary, to carry out the provisions of this Resolution.

PASSED AND APPROVED this 20th day of May, 2013.

Mayor

ATTEST:

Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POLK)

I, the undersigned City Clerk of Windsor Heights, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2013.

City Clerk, Windsor Heights, Iowa

SEAL