

## **RESOLUTION**

### **A RESOLUTION MAKING FINAL DETERMINATION ON THE POTENTIAL SALE OF THE ABANDONED SEWER LIFT STATION SITE LOCATED AT 3102 NW 5<sup>TH</sup> STREET AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT BY AND BETWEEN THE CITY OF ANKENY AND WILLIAM B. KIMBERLEY**

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**WHEREAS**, the City of Ankeny owns certain real property that contains an abandoned sanitary sewer lift station located at 3102 NW 5<sup>th</sup> Street, Ankeny which is legally described as:

-EX PARCEL L COM SE COR OF SEC THN N 1350.6F W 50F NWLY 232.72F TO POB THN NWLY 20F N 10F SE 20F S 10F TO POB- COM SE COR OF SEC THN N 1350.6F W 50F NWLY 232.72F TO POB THN NWLY 212F NE 110F NE 190F S 207.71F TO POB NE 1/4 SE 1/4 SEC 16-80-24; and

**WHEREAS**, the City of Ankeny solicited interest from the adjacent property owners in acquiring this sewer lift station site since the station is fully abandoned and is of limited value to the City; and

**WHEREAS**, William B. Kimberley has presented a Purchase Agreement to the City of Ankeny for the purpose of acquiring the lift station site so that the redevelopment of his residential property located directly to the east of the station site can be expanded to accommodate a larger residence; and

**WHEREAS**, the Code of Iowa requires that, before a city may dispose of an interest in real property by sale, the city must set forth its proposal in a resolution and public notice as provided in Section 362.3, of the resolution and of a date, time and place of a public hearing on the proposal; and

**WHEREAS**, the Code of Iowa also requires that, before a city may enter into a proposed purchase agreement for the real property that a public hearing must be held on the proposed agreement; and

**WHEREAS**, pursuant to said notice published as required by law, this Council has held a public meeting and hearing upon the proposal to approve and authorize execution of the Purchase Agreement which includes the potential sale of the abandoned lift station site and has considered the extent of objections received from residents or property owners as to said proposed Purchase Agreement; and accordingly, the following action is now considered to be in the best interest of the City and residents thereof; and

**WHEREAS**, the Council has determined that the Purchase Agreement is in the best interest of the City and the residents thereof and the performance by the City of its obligations thereunder is a public undertaking and purpose.

**NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:**

**Section 1.** The Council finds that disposal of interests in the abandoned lift station site as set

forth in the Purchase Agreement 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 transfer of the abandoned lift station site, with consideration as provided in the Purchase Agreement, constitutes fair consideration for the disposal of interests in the property.

**Section 2.** The proposal to sell the abandoned lift station site pursuant to the terms of the proposed Purchase Agreement is hereby approved.

**Section 3.** That the performance by the City of its obligation under the Purchase Agreement including but not limited to selling the abandoned lift station site to William B. Kimberly is hereby declared to be a public undertaking and purpose and in furtherance of the best interests of the residents of the City.

**Section 4.** That the form and content of the Purchase Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed and the Mayor and the City Clerk are hereby authorized, empowered and directed to execute, attest, seal and deliver the Purchase Agreement for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Purchase Agreement, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

**PASSED AND APPROVED** this 20<sup>th</sup> day of November, 2017.

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Gary Lorenz, Mayor

ATTEST:

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Pamela DeMouth, City Clerk