

## **RESOLUTION**

### **A RESOLUTION MAKING FINAL DETERMINATION ON THE POTENTIAL SALE OF THE ABANDONED SEWER TREATMENT SITE LOCATED ON SE CREEKVIEW AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT BY AND BETWEEN THE CITY OF ANKENY AND MIDWEST RADIO, INC.**

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**WHEREAS**, the City of Ankeny owns certain real property that contains an abandoned sewer treatment plant located on SE Creekview in Ankeny which is legally described as:

COMMENCING AT THE NW CORNER OF THE SW 1/4 NW 1/4 OF SECTION NINETEEN (19) TOWNSHIP 80 NORTH OF RANGE 23 WEST OF THE 5TH P.M. IN ANKENY, IOWA, THE POINT OF BEGINNING. THENCE N 89° 54' 02.89" W 144.40', THENCE N 3° 31' 25.07" W 137.25', THENCE N 10° 26' 54.53" E 297.84', THENCE S 88° 56' 47.03" E 291.77', THENCE S 0° 40' 39.00" E 625.05', THENCE N 89° 56' 24.00" W 100.01', THENCE N 0° 40' 39.00" W 200.02', THENCE N 89° 56' 24.00" W 100.01', TO THE POINT OF BEGINNING; and

**WHEREAS**, the City of Ankeny solicited interest in acquiring this sewer treatment site since the plant is fully abandoned and is of limited value to the City; and

**WHEREAS**, Midwest Radio, Inc., has presented a Purchase Agreement to the City of Ankeny for the purpose of acquiring the site; 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 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 sewer treatment 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 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 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 site to Midwest Radio, Inc., 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 be and they hereby are 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 5th day of March 2018.

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Gary Lorenz, Mayor

ATTEST:

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Debra M. Arend, Deputy City Clerk