

**RESOLUTION MAKING FINAL DETERMINATION ON THE POTENTIAL SALE
OF REAL ESTATE LOCATED IN THE SOUTHWEST QUADRANT OF THE
INTERSECTION OF SW ORDNANCE ROAD AND SW DES MOINES STREET
WITHIN THE CITY OF ANKENY**

WHEREAS, the City of Ankeny owns certain real property which is located in the southwest quadrant of the intersection of SW Ordinance Road and SW Des Moines Street in Ankeny, Iowa and which is legally described as:

OUTLOT Z – JOHN DEERE PLACE PLAT 5; and

WHEREAS, the said property consists of a small remnant parcel that cannot be developed, has limited access, is encumbered by utility easements, and is currently maintained by the City of Ankeny; and

WHEREAS, William Doyle owns and operates Aim High Auto Repair at 1001 SW Ordinance Road, which is located adjacent and directly west of the said property; and

WHEREAS, Mr. Doyle has presented a Purchase Agreement to the City of Ankeny for the intent of acquiring the said property for the purpose of a future expansion of his commercial business; 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.

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 said small remnant parcel 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 said small remnant parcel 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 said small

remnant parcel, 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 said small remnant parcel 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 said small remnant parcel to William Doyle 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 2nd day of December, 2019.

Gary Lorenz, Mayor

ATTEST:

Denise Hoy, City Clerk