

Date May 19, 2008

**RESOLUTION TO APPROVE AND ACCEPT REAL ESTATE DOCUMENTS
FOR THE EXTENSION OF SW 11th STREET AND MURPHY STREET**

WHEREAS, on this date by a prior resolution the City Council has approved a Supplemental Development Agreement with River Point West LLC, Hubbell Realty Company, and Hubbell Terminal Corporation regarding the design, financing and construction of the improvement and extension of SW 11th Street from SW Martin Luther King Jr. Parkway to Dart Way, and the improvement and extension of Murphy Street from SW 9th Street to the extension of SW 11th Street; and,

WHEREAS, Hubbell Realty Company and Hubbell Terminal Corporation have offered to dedicate the right-of-way needed for the extension of SW 11th Street from Tuttle Street to Dart Way, and for the extension of Murphy Street from SW 9th Street to the extension of SW 11th Street, as set forth in the Acquisition Plats attached hereto as Exhibits "A", "B" and "C", and with such dedications to occur at the times and subject to the conditions set forth in the Supplemental Development Agreement; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The Acquisition Plats attached hereto as Exhibits "A", "B" and "C" identifying the right-of-way to be dedicated by Hubbell Realty Company and Hubbell Terminal Corporation for the extension of SW 11th Street from Tuttle Street to Dart Way, and for the extension of Murphy Street from SW 9th Street to the extension of SW 11th Street, are hereby approved.
2. The dedication of such right-of-way is hereby approved and accepted.
3. Upon receipt of the Warranty Deeds and any title clearing documents for the dedication of such right-of-way, and approval of the same by the City Legal Department, the City Clerk is hereby authorized and directed to endorse upon such deeds the approval and acceptance of this Council and is further authorized to deliver the deeds to the Real Estate Division Manager, who shall cause the deeds to be properly recorded.

(continued)

Exhibit "B"

ACQUISITION PLAT

OF PROPERTY BEING CONVEYED TO
THE CITY OF DES MOINES



McClure Engineering Company
M.E.C. results O.O.M.
Fort Dodge, Iowa 50501
Tel: 515-271-4235
Fax: 515-271-4235

8101 Woodland Court, Ste. D
Iowa City, Iowa 52242
Tel: 319-382-2449
Fax: 319-382-2449
Cell: 319-382-2449

Professional Engineer License No. 10000
Professional Engineer License No. 10000



I HEREBY CERTIFY THAT THIS
LAND SURVEYING DOCUMENT
RELATED SURVEY WORK WAS
PERFORMED BY ME OR UNDER
MY SUPERVISION AND THAT I AM A
LICENSED SURVEYOR UNDER THE
LAWS OF THE STATE OF IOWA.
MICHAEL F. TROTTER
IOWA REGISTERED PROFESSIONAL
ENGINEER NO. 10000
MY LICENSE EXPIRES DATE 16
DECEMBER 31, 2009
PAGES OR SHEETS COVERED BY
THIS SEAL

ACQUISITION PLAT
FACTORY ADDITION
PLAT NO. 3
DES MOINES, IA
DATE OF RECORD
JAN 7, 2009
1/16/09

DATE BY
BY
CHECKED BY
BY
DRAWN BY
BY

LEGAL DESCRIPTION
A PART OF LOT ELEVEN (11), LOT TWELVE (12) (EXCEPT THE SOUTH 52.8 FEET), THE NORTH 635.2 FEET OF LOT "J" IN FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT, THE VACATED SIX INCHES OF LOT I (MURPHY STREET) RIGHT OF WAY LYING NORTH AND ADJOINING SAID LOT 11, THE VACATED SIX INCHES OF SW 9TH STREET RIGHT OF WAY LYING EAST AND ADJOINING SAID LOT 11, THE VACATED SIX INCHES OF SW 9TH STREET LYING EAST AND ADJOINING SAID LOT 11 AND SAID VACATED SIX INCHES OF LOT I (MURPHY STREET) RIGHT OF WAY, NOW INCLUDED AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT "J"; THENCE NORTH 75° (DEGREES) 00' (MINUTES) 06" (SECONDS), EAST ALONG NORTH LINE SAID LOT "J", 39.03 FEET; THENCE NORTH 15°25'13" WEST, 0.50 FEET TO THE NORTH LINE OF THE VACATED PORTION OF LOT I (MURPHY ST.), SAID PLAT (QUICK CLAIM DEED BK 5319, PG 546); THENCE NORTH 74°38'26" EAST ALONG SAID NORTH LINE, 128.50 FEET; THENCE SOUTH 15°24'28" EAST, 308.70 FEET; THENCE SOUTH 74°42'33" WEST, 0.50 FEET TO THE SOUTHEAST CORNER SAID LOT 11; THENCE NORTH 15°24'28" WEST ALONG EAST LINE SAID LOT 11, A DISTANCE OF 287.79 FEET; THENCE SOUTH 74°37'02" WEST, 167.03 FEET TO THE WEST LINE OF SAID LOT "J"; THENCE NORTH 15°25'13" WEST ALONG SAID WEST LINE, 20.75 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.08 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH, 635.2 FEET OF SAID LOT "J"; THENCE NORTH 15° (DEGREES) 25' (MINUTES) 03" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT "J", 10.01 FEET; THENCE NORTH 74°33'02" EAST, 166.89 FEET TO THE EAST LINE OF SAID LOT 12; THENCE SOUTH 15°24'28" EAST ALONG SAID EAST LINE, 10.16 FEET TO THE NORTH RIGHT OF WAY LINE OF DART WAY; THENCE SOUTH 74°35'58" WEST ALONG SAID RIGHT OF WAY, 166.89 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.04 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

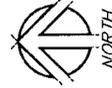
NOTE: SURVEY IS AN ACQUISITION OF LAND WITH MULTIPLE LOTS ALL IN THE OFFICIAL PLAT OF FACTORY ADDITION PLAT NO. 3

DATE SURVEYED: JAN. 3, 2008

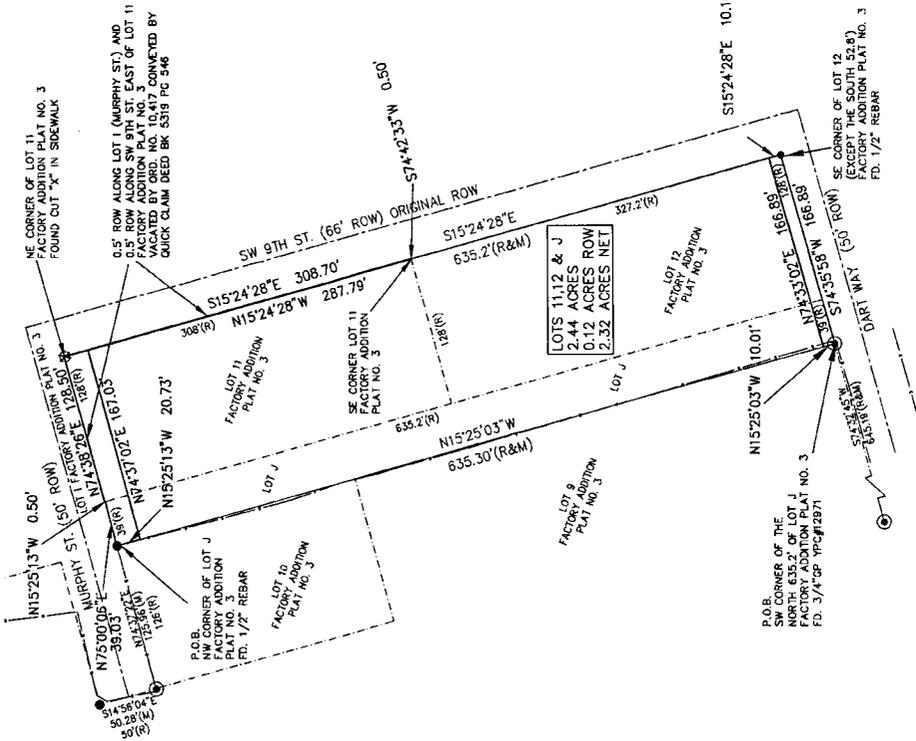
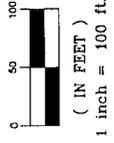
CORNERS FOUND:
● - FD IP (AS NOTED)
⊙ - FD C.P. W/ CAP #12871

CORNERS SET:
○ - 1/2" REBAR & CAP #8065
(R) - RECORD DISTANCE

OWNER:
510 SW 9TH ST, LLC
SURVEY PREPARED FOR:
HUBBELL REALTY COMPANY



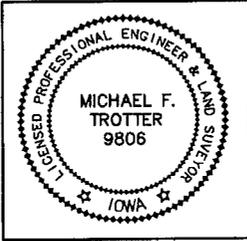
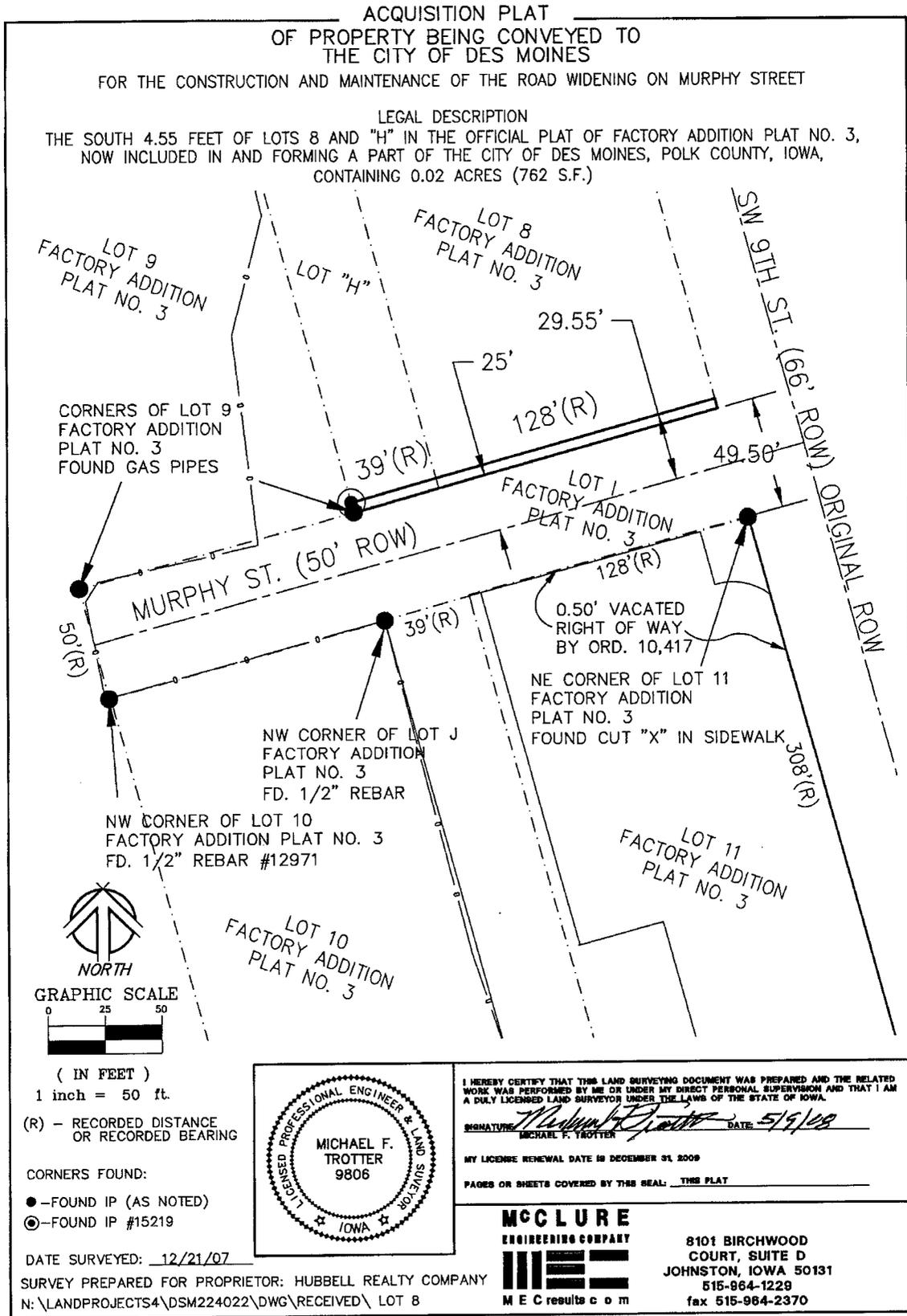
GRAPHIC SCALE



64A

Exhibit "C"

PREPARED BY: MICHAEL F. TROTTER L.S., McCLURE ENGINEERING CO., 8101 BIRCHWOOD CT, SUITE D, JOHNSTON, IA 50131 515-964-1229



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: *Michael F. Trotter* DATE: 5/9/08
 MICHAEL F. TROTTER

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009

PAGES OR SHEETS COVERED BY THIS SEAL: THIS PLAT



8101 BIRCHWOOD
 COURT, SUITE D
 JOHNSTON, IOWA 50131
 515-964-1229
 fax 515-964-2370

M E C results c o m