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Date..... September 25, 2006

RESOLUTION AUTHORIZING ISSUANCE OF A
CORRECTIVE SPECIAL WARRANTY DEED

WHEREAS, on November 8, 2004, by Roll Call No. 04-2446, after notice and public hearing as required by law, the City Council approved an *Urban Renewal Agreement for Sale of Land for Private Redevelopment* with Court Avenue Partners II, L.P., a joint venture of BH Equities (Harry Bookey, President) and Hubbell Realty (Rick Tollakson, President and CEO), whereby the City agreed to sell the City-owned land between 3rd and 4th Streets south of Court Avenue more specifically described below, to Court Avenue Partners II, L.P., for redevelopment; and,

WHEREAS, on March 20, 2006, by Roll Call No. 06-537, the City Council approved the Second Amendment to the said Urban Renewal Agreement and authorized the Mayor and City Clerk to sign the Special Warranty Deed for the conveyance; and,

WHEREAS, the sale was closed and the Special Warrant Deed was filed of record on March 31, 2006, in Book 11,587, commencing at Page 667, in the records of the Polk County Recorder; and,

WHEREAS, Court Avenue Partners II, LLLP, formerly known as Court Avenue Partners II, L.P., has requested the issuance of a Corrective Special Warranty Deed to correct a minor error in the legal description of the property so conveyed; NOW, THEREFORE,

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

1. The Corrective Special Warranty Deed conveying the following described property to Court Avenue Partners II, LLLP, is hereby approved:

Lots 1, 2, 3 and 4, Block 25, Fort Des Moines, an Official Plat; AND, all the air rights over that part of the 16.5 foot wide vacated North/South alley beginning at the elevation of the existing roof line of the building located at 310 Court Avenue over said vacated North/South alley lying West of and adjacent to Lot 11 and East of and adjacent to Lot 2 in Block 25, Fort Des Moines, an Official Plat; AND, the 16.5 foot wide vacated East/West alley right-of-way lying South of and adjoining said Lots 1 and 2; AND, the West 1/2 of the vacated 16.5 foot wide North/South alley right-of-way lying East of and adjoining said Lots 3 and 4, AND, the vacated 16.5 foot wide vacated East/West alley right-of-way lying South of and adjoining said Lot 4 and lying South of and adjoining the West 1/2 of the vacated North/South alley lying East of and adjoining said Lot 4; AND, part of Lot 5, of said Block 25, more specifically described as follows: Beginning at the Northwest Corner of said Lot 5; thence North 74 (Degrees) 13' (minutes) 04" (seconds) East along the North line of said Lot 5, a

(continued)

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distance of 109.10 feet; thence South 15°22'17" East, 66.54 feet to the South line of said Lot 5; thence South 74°13'04" West along the said South line, 109.05 feet to the Southwest corner of said Lot 5; thence North 15°22'52" West, 66.54 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND, Lots 9 and 10, Block 25, Fort Des Moines, an Official Plat; AND, the East 1/2 of the vacated 16.5 foot wide North/South alley right-of-way lying West of and adjoining said Lots 9 and 10, AND, the vacated 16.5 foot wide vacated East/West alley right-of-way lying South of and adjoining said Lot 9 and lying South of and adjoining the East 1/2 of the vacated North/South alley lying West of and adjoining said Lot 9, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The Mayor is hereby authorized and directed to sign the Corrective Special Warranty Deed on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayors' signature.

3. The City Clerk is further authorized and directed to forward the original of the deed and a certified copy of this Resolution to the Legal Department for delivery to the grantee for recording.

(Council Communication No. 06- 592)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk