

Date April 23, 2012

RESOLUTION AUTHORIZING ISSUANCE OF A REPLACEMENT QUIT CLAIM DEED FOR PREVIOUSLY VACATED PROPERTY ADJOINING 523 WATERBURY CIRCLE TO SHANNON M. MUSGRAVE AND KURT P. MUSGRAVE FOR \$100

WHEREAS, on April 21, 1986, by Roll Call No. 86-1744, the City Council approved Ordinance No. 10,788 vacating the West 30.0 feet of 59th Street right-of-way and the North 30.0 feet of Ingersoll Avenue right-of-way between Walnut Hill Avenue and 56th Street; and

WHEREAS, on March 12, 2007, by Roll Call No. 07-480, the City Council approved the sale of the portion of the vacated right-of-way adjoining 523 Waterbury Circle, more specifically described below, to Jack T. and Eileen K. Britton for \$100.00, but the transaction was not completed by the Brittons and payment of the consideration was not made; and

WHEREAS, Shannon M. Musgrave and Kurt P. Musgrave are now the owners of the property locally known as 523 Waterbury Circle and have held possession of such property and the adjoining vacated right-of-way since 2010; and

WHEREAS, the Musgraves have requested that the City issue to them a Replacement Quit Claim Deed for the adjoining half of the vacated right-of-way, in exchange for payment to the City of the consideration of \$100.00 as required of the Brittons by Roll Call No. 07-480, to remedy a title objection that has arisen from the unrecorded deed to Jack T. and Eileen K. Britton.

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

1. The Replacement Quit Claim Deed conveying the City's interest, if any, in the following described portion of the vacated right-of-way adjoining the real property locally known as 523 Waterbury Circle, to Shannon M. Musgrave and Kurt P. Musgrave as the owners of the adjoining lot, is hereby approved:

The West 30.0 feet of vacated 59th Street right-of-way lying East of and adjoining Lot 51, Waterbury Circle, an Official Plat, all now included in and forming a part of the City of Des Moines, Iowa. (Vacated by Ordinance No. 10,788, passed April 21, 1986.)

2. The Mayor is hereby authorized and directed to sign the Replacement Quit Claim Deed on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

3. The City Clerk is further authorized and directed to forward the original of the Deed for the conveyance, and a certified copy of this Resolution, to the Real Estate Division Manager for the purpose of causing said documents to be recorded.

4. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this Resolution, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

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5. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.

6. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 12-183)

MOVED by _____ to adopt.

FORM APPROVED:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

123W

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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