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**Date** May 18, 2020

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF VACATED ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1624 OHIO STREET TO MARK C. DAGGY AND LEEANN F. DAGGY FOR \$337.00**

**WHEREAS**, on July 7, 1986, by Ordinance No. 10,842, the City Council of the City of Des Moines, Iowa vacated the north-south alley right-of-way lying west of and adjoining 1624 Ohio Street; and

**WHEREAS**, Mark C. Daggy and LeeAnn F. Daggy, owners of 1624 Ohio Street, has offered to the City of Des Moines (“City”) the purchase price of \$337.00 for the purchase of the east half of the vacated alley right-of-way lying west of and adjoining their property at 1624 Ohio Street (hereinafter “Property”), for assemblage with their commercial parcel, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the Property proposed to be sold, and the City will not be inconvenienced by the sale and conveyance of said Property; and

**WHEREAS**, on May 4, 2020 by Roll Call No. 20-0748, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on May 18, 2020, at 5:00 p.m., in the MSC Board Room, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to convey the Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

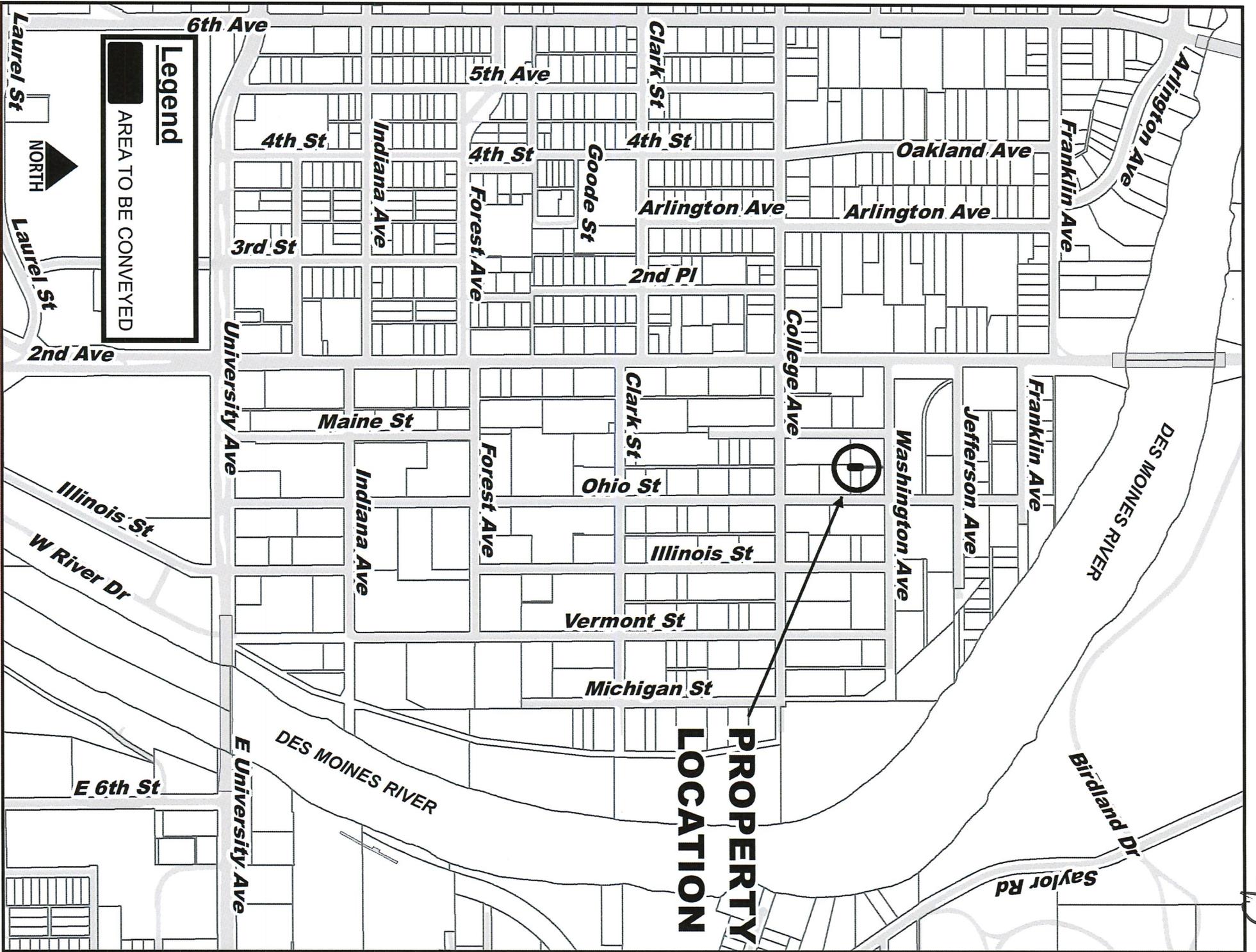
1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the east half of the vacated alley right-of-way lying west of and adjoining 1624 Ohio Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the east half of the vacated alley right-of-way lying west of and adjoining 1624 Ohio Street, Des Moines, Iowa, legally described as follows, to Mark C. Daggy and LeeAnn F. Daggy for \$337.00, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

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**Date** May 18, 2020

THE EAST HALF (E 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 3 IN ROLLINSON'S THIRD ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
7. Proceeds from this sale will be deposited into the Economic Development Enterprise Fund, CM025033.





Prepared by: David DeForest Colvig, Real Estate Coordinator, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, IA 50309-1891 (515) 283-4561  
Return to: Real Estate Division, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, IA 50309-1891  
Taxpayer: Mark C. Daggy and LeeAnn F. Daggy, 1541 7<sup>th</sup> Street Des Moines, IA 50314  
Title of Document: Quit Claim Deed  
Grantor's Name: City of Des Moines, Iowa  
Grantee's Name: Mark C. Daggy and LeeAnn F. Daggy  
Legal Description: See below on this page

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Project Name: Central Place Business Park Parcel No: D14 Activity ID: 342018002

## QUIT CLAIM DEED

### KNOW ALL MEN BY THESE PRESENTS:

That the CITY OF DES MOINES, IOWA, a municipal corporation of the County of Polk, the State of Iowa, in consideration of the total sum of Three Hundred Thirty-Seven Dollars (\$337.00), receipt of which is hereby acknowledged, does hereby QUIT CLAIM unto Mark C. Daggy and LeeAnn F. Daggy, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common (herein "Grantee"), all its right, title and interest in and to the following described premises ("Property"), situated in Polk County, State of Iowa, to-wit:

THE EAST HALF (E 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 3 IN ROLLINSON'S THIRD ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 350 SQUARE FEET;

(Vacated by Ordinance No. 10,842, passed July 7, 1986)

Subject to any and all easements, restrictions, and covenants of record.

The City of Des Moines, Iowa, **HEREBY RESERVES** a permanent easement upon, over and within the Property for the continued use and maintenance of and the right of access to any existing utilities now in place therein, with the right of entry for servicing same. This reservation of easement shall run with the land and shall remain binding upon the Grantees and Grantees' successors in interest and assigns, until such time as said utilities are abandoned or relocated at the sole expense of Grantees and/or Grantees' successors in interest and assigns, following written agreement with the City and/or applicable utility.

No transfer tax due. Government grantor. Iowa Code § 428A.2(6)(2020).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF DES MOINES, IOWA

\_\_\_\_\_  
T. M. Franklin Cownie, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
P. Kay Cmelik, City Clerk

  
\_\_\_\_\_  
Lisa A. Wieland, Assistant City Attorney

STATE OF IOWA    )  
                                  ) ss:  
COUNTY OF POLK    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public, personally appeared T. M. Franklin Cownie and P. Kay Cmelik, to me personally known, who, being by me duly sworn, did state that they are the Mayor and City Clerk, respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution and Roll Call No. 20 - \_\_\_\_\_ adopted by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and that T. M. Franklin Cownie and P. Kay Cmelik acknowledged the execution of the instrument to be the voluntary act and deed of the municipal corporation, by it voluntarily executed.

\_\_\_\_\_  
Notary Public in the State of Iowa

**EXHIBIT A**

**Washington Ave**

CENTERLINE OF THE VACATED ALLEY

NORTH LINE  
OF LOT 3

**LOT 3**

1624  
*Ohio St*

**Ohio St**

SOUTH LINE  
OF LOT 3

**BLOCK 2**

**ROLLINSON'S  
THIRD ADDITION  
TO DES MOINES**

**Legend**

 AREA TO BE CONVEYED

