



Roll Call Number

08-554

Agenda Item Number

14

Date

April 7, 2008

### RESOLUTION ACCEPTING DEEDS FOR REALIGNED THIRD STREET

WHEREAS, by Roll Call No. 01-2611 of August 20, 2001, the City Council of the City of Des Moines, Iowa, approved a Chapter 28E Agreement with Polk County for the construction and funding of the Iowa Events Center project including construction of realigned Third Street improvements; and

WHEREAS, in accordance with the terms of the 28E Agreement the City vacated and conveyed portions of old Third Street to Polk County and Polk County constructed realigned Third Street improvements; and

WHEREAS, the realigned Third Street improvements have been constructed to the satisfaction of the City Engineer and Polk County has approved a Deed to convey realigned Third Street to the City subject to reservations provided in the 28E Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Quit Claim Deed and Corrected Quit Claim Deed on file in the Office of the City Clerk which conveys realigned Third Street between School Street and Center Street from Polk County to the City of Des Moines is hereby approved and the City Clerk is hereby authorized and directed to certify acceptance of such Quit Claim Deeds on behalf of the City.

BE IT FURTHER RESOLVED that the realigned Third Street improvements are accepted on behalf of the City of Des Moines and the portions of realigned Third Street described in the Deeds are hereby dedicated as Third Street right-of-way except for subsurface portions of such property reserved in the Deed by Polk County for the utility tunnel and building footings and except for the air rights to be conveyed by the City to Polk County for the pedestrian bridge pursuant to the terms of the 28E Agreement.

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BE IT FURTHER RESOLVED that the portion of Third Street vacated by Ordinance No. 13,988 passed September 10, 2001 that lies north and west of the portions of such vacated Third Street conveyed to Polk County by the Quit Claim Deed filed in the Office of the Polk County Recorder at Book 11,063, Page 272 and is described as that portion of vacated Third Street lying west of and adjoining Lot 1, Block "G", River Hills Plat No. 1, an Official Plat is hereby rededicated as part of Third Street right-of-way.

BE IT FURTHER RESOLVED THAT THE City Clerk is hereby authorized and directed to file a certified copy of the resolution in the Office of the Polk County Recorder.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

  
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 Lawrence R. McDowell  
 Deputy City Attorney

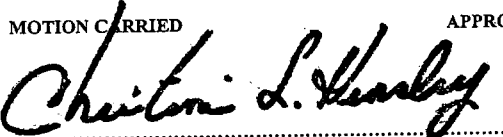
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

**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.

MOTION CARRIED APPROVED  
  
 \_\_\_\_\_  
 Mayor  
**MAYOR PRO TEM**

  
 \_\_\_\_\_ City Clerk