

★ Roll Call Number

09. 1217

Agenda Item Number

27

Date July 13, 2009

**WHEREAS**, by Roll Call No. 09-678, dated April 20, 2009, after notice and public hearing, the City Council approved an Urban Renewal Development Agreement and related documents with Doll Distributing, LLC (Mark Doll, CEO, 815 South Branch, Waukee, Iowa 50263) to redevelop Disposition Parcel 28A (South of Thompson Avenue to E. Jefferson Avenue on De Wolf Street) in the Guthrie Avenue Business Park Urban Renewal Area and approved conveyance of said parcel to Doll Distributing, and:

**WHEREAS**, said Roll Call contained an incorrect legal description for Disposition Parcel 28 A, due to a scrivener's error, and:

**WHEREAS**, the corrected legal description for Disposition Parcel 28 A is more specifically described as follows:

A PARCEL OF LAND IN LOTS 2, 3, 4, 21, 22, AND 23 IN BLOCK 13, LOTS 2, 3, 4, 21, 22, AND 23 IN BLOCK 14, A PORTION OF VACATED E. 19<sup>TH</sup> STREET BETWEEN BLOCKS 13 AND 14, AND A PORTION OF VACATED WAYNE STREET ALONG THE EAST SIDE OF BLOCK 14, ALL IN T.E. BROWN'S OFFICIAL PLAT OF THE NE<sup>1</sup>/<sub>4</sub> OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., EXCEPT THE NE 40 ACRES, AS RECORDED IN BOOK C PAGE 462, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE INTERSECTION OF THE EXTENSION OF THE MATTERN AVENUE CENTERLINE AND THE EAST RIGHT-OF-WAY LINE OF DEWOLF STREET; THENCE S00°12'43"E, 445.06 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE N89°58'43"E, 538.80 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S01°15'11"E, 100.02 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S89°58'43"W, 540.62 FEET TO A POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF DEWOLF STREET; THENCE N00°12'43"W, 100.00 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 1.239 ACRES MORE OR LESS.

**WHEREAS**, a date will be set for public hearing on July 27, 2009 at 5 P.M. to provide for City Council to approve the amended Urban Renewal Development Agreement, Declaration of Covenants, and Special Warranty Deed for conveyance of Disposition Parcel 28A with the sole purpose of the hearing is to correct the legal description, and;

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

1. That the meeting of the City Council at which the proposed action is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on July 27, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.

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2. That the City Clerk is hereby authorized and directed to cause notice of the proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

(Council Communication No. 09-492 attached)

Moved by Kiernan to adopt.

APPROVED AS TO FORM:

[Signature]

Michael F. Kelley  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk