



**Roll Call Number**

09-1381

**Agenda Item Number**

59

**Date** July 27, 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 develop 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 28A, due to a scrivener's error; and

WHEREAS, the corrected legal description for Disposition Parcel 28A 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, on July 13, 2009 by Roll Call No. 09-1217 the City Council set a public hearing to correct the legal description contained in the Urban Renewal Development Agreement, Declaration of Covenants and Special Warranty Deed at 5:00 p.m. on July 27, 2009 in Council Chambers, City Hall in Des Moines; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on July 16, 2009 setting forth the time and place for the hearing on the proposed action to correct the legal description; and

WHEREAS, pursuant to the published notice those interested in the proposed rezoning have been given the opportunity to be heard and have presented their views to the City Council.

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

1. The amended Urban Renewal Development Agreement with the corrected legal description is hereby approved and the Mayor is authorized and directed to execute the agreement on behalf of the City of Des Moines.

2. The sale of Disposition Parcel 28A to Doll Distributing, LLC is hereby approved. The Mayor is authorized and directed to execute all necessary closing documents and a corrected special warranty deed conveying the property on behalf of the City upon the satisfaction of all preconditions to closing contained in the Urban Renewal Development Agreement.

(Council Communication No. 09-514 attached)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Michael P. Kelley
Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

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.

7. M. Franklin Council Mayor

Diane Rauh City Clerk