

★ Roll Call Number  
11-0089

Agenda Item Number  
12

Date January 24, 2011

RESOLUTION AUTHORIZING ISSUANCE OF A CURATIVE QUIT CLAIM DEED  
TO PLEASANTVIEW LIMITED PARTNERSHIP TO REMEDY A TITLE DEFECT  
IN THE PLATTED LOTS IN PLEASANTVIEW ESTATES

WHEREAS, on August 28, 1995, by Roll Call No. 95-3323, the City Council approved the subdivision plat entitled Pleasantview Estates, located in the vicinity of SE 17th Street and E. Pleasantview Drive, to be developed by Pleasantview Limited Partnership, then represented by Michael Barnes, General Partner; and,

WHEREAS, the plat contained an existing improved public street, the boundaries of which were not clearly established due to ambiguities in the descriptions used in four separate Warranty Deeds identified below, by which the City acquired such right-of-way; and,

WHEREAS, to resolve the uncertainty over the exact boundaries of the original rights-of-way, the City joined as a co-proprietor of the plat and rededicated the rights-of-way using a precise description; and,

WHEREAS, there remains some ambiguity over whether all the real estate conveyed to the City by the four Warranty Deeds identified below is now included within the platted rights-of-way; and,

WHEREAS, Pleasantview Limited Partnership, now represented by James Conlin, General Partner, still owns all the platted lots within Pleasantview Estates, an Official Plat, and has requested the City issue a Curative Quit Claim Deed to convey to the partnership any real estate the City may have acquired under the four separate Warranty Deeds in Pleasantview Estates, which now lies outside the platted rights-of-way in Pleasantview Estates; NOW, THEREFORE,

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

1. The City Council makes the following findings of fact:
  - a) The City of Des Moines joined as a proprietor of Pleasantview Estates, an Official Plat, for the purpose of clearly defining the boundaries of the existing street rights-of-way within the plat.
  - b) The street rights-of-way as shown by the plat of Pleasantview Estates encompass all the land the City intended to have acquired for street purposes within that plat.
  - c) The execution of the Curative Quit Claim Deed as requested by Pleasantview Limited Partnership is an appropriate way for the City to acknowledge that it does not claim any land in Pleasantview Estates under authority of the four Warranty Deeds identified below, which is located outside the platted rights-of-way.

( continued )

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-2-

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- The Curative Quit Claim Deed conveying the City's interest, if any, in the following described real estate to Pleasantview Limited Partnership, as the owner of the adjoining lots, is hereby approved:

All that portion of, and interest, if any, in Lots 1 through 14, and Outlot X, in Pleasantview Estates, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, originally conveyed to the City of Des Moines by the four Warranty Deeds filed of record in the office of the County Recorder of Polk County, Iowa, as follows:

<u>Book - Page</u>	<u>Book - Page</u>
5122 - 02	5122 - 315
5122 - 303	5187 - 222

- The Mayor is hereby authorized and directed to sign the Curative Quit Claim Deed on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayors' signature.
- The City Clerk is further authorized and directed to forward the original of the deed and Ground Water Hazard Statement for the conveyance, and a certified copy of this Resolution to the Legal Department for delivery to the grantee for recording.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown  
 Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED  
T. W. Franklin Cownie 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.

Diane Rauh City Clerk