



Roll Call Number

11-1362

Agenda Item Number

18

Date August 8, 2011

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FOR RIGHT-OF-WAY PURPOSES
ADJOINING PROPERTY LOCATED AT 5001 COUNTRY CLUB BOULEVARD FROM
ELIZABETH AND WALTER KENNEDY, TRUSTEES, FOR \$1**

WHEREAS, on June 19, 1967, by Roll Call No. 2520, the City Council of the City of Des Moines approved and accepted the conveyance of Quit Claim Deeds to the City of Des Moines from adjoining property owners for a portion of Lot A, Oak Lawn Place Plat One, which property was then and has since be used as public right-of-way; and

WHEREAS, the Polk County Auditor has raised objection to the legal descriptions in the aforementioned deeds and has required that the current property owners adjoining the right-of-way described above correct the legal description by quit claiming any remaining interest that they may have in said right-of-way prior to sale of their real property; and

WHEREAS, Elizabeth and Walter Kennedy, Trustees of their respective trusts, currently own the property located at 5001 Country Club Boulevard, Des Moines, which adjoins the right-of-way described above, and have offered to the City a Quit Claim Deed and Purchaser’s Affidavit to correct the issue raised by the Polk County Auditor, and the City’s Real Estate Division and Legal Department recommend that the City accept said documents to clear the title objection to the right-of-way described above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached documents conveying property interests, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and are hereby approved and accepted as follows:

- Property Owners: Elizabeth Gregg Kennedy, Trustee of the Elizabeth Gregg Kennedy Trust and Walter Gregg Kennedy, Trustee of the Walter Gregg Kennedy Trust
- Property Location: Property adjoining 5001 Country Club Boulevard
- Document Type: Quit Claim Deed, Individual Trustee’s Affidavit
- Consideration: \$1 plus closing costs

That the Mayor is hereby authorized and directed to sign the Purchaser’s Affidavit associated with this acceptance of real property.

That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and

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directed to obtain the checks, if any, needed to carry out this transaction and to deliver them to the payees.

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.

That the City Clerk is hereby authorized and directed to endorse upon the real estate documents listed above the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary real estate documents, and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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

T. M. Franklin 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 Fauh City Clerk