

Date November 7, 2011

RESOLUTION AUTHORIZING ISSUANCE OF A REPLACEMENT QUIT CLAIM DEED  
FOR VACATED ALLEY ADJOINING 1433 E. 16th AVENUE

WHEREAS, by Ordinance No. 6330, passed January 4, 1961, the City of Des Moines vacated the north/south alley in the block east of East 16th Street, extending between Cleveland and Washington Avenues, including the portion of the alley adjoining 1433 E. 16th Street more specifically described below; and,

WHEREAS, on February 27, 1961, by Roll Call No. 795, the City Council approved the sale of portions of the said vacated north/south alley, including the portion of the alley adjoining 1433 E. 16th Street more specifically described below, to Robert M. Parkey and Martha L. Parkey, and a Quit Claim Deed for such conveyance was forwarded to the Parkeys; and,

WHEREAS, the Quit Claim Deed for the conveyance described above was never recorded and has been lost; and,

WHEREAS, Adair Holdings, L.L.C., is now the owner of the property at 1433 E. 16th Street, and succeeded to the Parkeys' interest in the adjoining alley pursuant to a tax sale deed dated June 30, 2011, and recorded in the office of the Polk County Recorder on June 30, 2011, in Book 13894, commencing at Page 625; and,

WHEREAS, Adair Holdings, L.L.C. has requested the City issue a Replacement Quit Claim Deed conveying to it the portion of the vacated alley adjoining 1433 E. 16th Street more specifically described below; NOW, THEREFORE,

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

1. The Replacement Quit Claim Deed conveying the City's interest, if any, in the following described portion of the vacated alley adjoining 1433 E. 16th Street, to Adair Holdings, L.L.C., for a purchase price of \$50.00 is hereby approved:

The West 7 feet of the vacated North/South alley right-of-way lying East of and adjoining Lots 125 and 126, in East Capital Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 6330 passed on January 4, 1961.)

2. The Mayor is hereby authorized and directed to sign the Replacement 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.

( continued )



**Roll Call Number**

11-1880

**Agenda Item Number**

33

-2-

**Date** November 7, 2011

3. 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 Mahaffey to adopt.

FORM APPROVED:

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			

**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  
Mayor

Diane Rauh  
City Clerk