

13-0543

12

Date April 8, 2013

**RESOLUTION AUTHORIZING ISSUANCE OF A CORRECTED QUIT CLAIM DEED
FOR PREVIOUSLY VACATED AND CONVEYED RIGHT-OF-WAY
ADJOINING 1060 38th STREET TO N8 HOME SOLUTIONS, LLC FOR \$1**

WHEREAS, on March 18, 1907, by Ordinance No. 1424, the City Council of the City of Des Moines approved the vacation of the North/South alley lying West of and adjoining Lots 73, 74, 75, 76, 77, 78, and 79, Wessex, an Addition to the City of Des Moines, which Ordinance was published on March 28, 1907; and

WHEREAS, by said Ordinance, the City Council further granted the possession and ownership of said vacated alley to the owners of the afore-mentioned lots abutting the alley as follows: the West one-half of said vacated alley to those abutting on the West of same, and the East one-half of said vacated alley to those abutting on the East thereof; and

WHEREAS, N8 Home Solutions, LLC, the current owner of property locally known as 1060 38th Street, Des Moines, and legally known as Lot 73, plat of Wessex, which abuts the alley vacated and conveyed by Ordinance No. 1424, had requested a Quit Claim Deed from the City to address a title objection caused by conveyance of the vacated alley by Ordinance rather than by deed from the City to the adjoining owner; and

WHEREAS, on February 25, 2013, by Roll Call No. 13-0299, the City Council authorized issuance of a Replacement Quit Claim Deed to N8 Home Solutions, LLC; and

WHEREAS, said Replacement Quit Claim Deed contained a scrivener's error in the legal description and a Corrected Quit Claim Deed is necessary to correct said error.

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

1. The Corrected Quit Claim Deed to N8 Home Solutions, LLC, current owner of the real property locally known as 1060 38th Street, conveying the City's interest, if any, in and to the following described portion of the alley right-of-way that was vacated and conveyed to the adjoining property owners by Ordinance No. 1424, is hereby approved, and Roll Call No. 13-0299 dated February 25, 2013 is hereby amended to reflect the following legal description:

The West 7.0 feet of vacated alley lying West of and adjoining the North 37 ½ feet of Lot 73, Wessex, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 1424, passed March 18, 1907.)

2. The Mayor is hereby authorized and directed to sign the Corrected Quit Claim Deed on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

★ Roll Call Number
13-0543

Agenda Item Number
12

Page 2

Date April 8, 2013

3. The City Clerk is further authorized and directed to forward the original of the Deed for the conveyance, and a certified copy of this Resolution, to the Real Estate Division Manager for the purpose of causing said documents to be forwarded to the current owners or representative for recording.
4. There are no proceeds from the issuance of this Corrected Quit Claim Deed.

MOVED by Hensley to adopt.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

BSW

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

T. M. Franklin Course 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