

Date June 9, 2014

**APPROVING AND AUTHORIZING ISSUANCE OF A REPLACEMENT QUIT CLAIM DEED
FOR PREVIOUSLY VACATED PROPERTY ADJOINING 2052 ANKENY AVENUE TO
DES MOINES FEED AND GARDEN SHOPPE, INC.**

WHEREAS, on May 28, 1965, by Roll Call No. 1861, the City Council approved Ordinance No. 7213 vacating all of the east/west alley right-of-way between Hubbell Avenue and East 21st Street, including the portion thereof adjoining 2052 Ankeny Avenue, subject to the reservation of an easement for all utilities in place and reservation of right of entry for servicing same; and

WHEREAS, on June 21, 1965, by Roll Call No. 2103, the City Council approved the sale of the portion of the alley adjoining 2052 Ankeny Avenue, more specifically described below, to James G. Marturello and Eugene F. Punelli (Grantee) for \$50.00, and directed the City Clerk, upon receipt of the consideration, to deliver the deed to the Grantee; and

WHEREAS, the City Treasurer's Office issued a receipt dated July 21, 1965 for the \$50 consideration to James G. Marturello and Eugene F. Punelli; however, no evidence exists to indicate that said deed was filed of record with the Polk County Recorder's Office; and

WHEREAS, Des Moines Feed and Garden Shoppe, Inc., successor in interest to James G. Marturello and Eugene F. Punelli and current owner of 2052 Ankeny Avenue, has requested that the City issue to it a Replacement Quit Claim Deed for the portion of the alley adjoining 2052 Ankeny Avenue.

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 the real property locally known as 2052 Ankeny Avenue, to Des Moines Feed and Garden Shoppe, Inc. as the owner of the adjoining lot, is hereby approved:

The South half of the vacated alley right-of-way lying North of and adjoining Lot 32, Read's Addition to Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Iowa. (Vacated by Ordinance No. 7213, passed May 28, 1965.)

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.

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 recorded.

4. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this Resolution, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.



Roll Call Number

14-0843

Agenda Item Number

17

Page 2

Date June 9, 2014

5. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.

6. Proceeds from this sale were received and deposited July 21, 1965.

MOVED by Hensley to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

ASW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin Council 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