



Roll Call Number

17-0221

Agenda Item Number

46 A

Date February 6, 2017

ACCEPTANCE OF CORRECTED QUIT CLAIM DEED FROM THE STATE OF IOWA FOR RIGHT-OF-WAY ADJOINING 921 6TH AVENUE

WHEREAS, Catholic Health Initiatives – Iowa Corporation, an affiliate of Mercy Properties, the owner of 921 6th Avenue, wishes to purchase an irregular portion of street right-of-way adjoining 921 6th Avenue, (hereinafter “Right-of-Way”) for incorporation into their adjoining commercial property to allow for expansion of the existing site improvements; and

WHEREAS, on August 22, 2016, by Roll Call No. 16-1395, the City Council of the City of Des Moines accepted a quit claim deed from the State of Iowa for conveyance of the Right-of-Way to the City; and

WHEREAS, following the recording of said quit claim deed and additional title review by Catholic Health Initiatives – Iowa Corporation, it was determined that the quit claim deed contained an error which needs corrected; and

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

1. That the attached Corrected Quit Claim Deed from the State of Iowa Department of Transportation transferring to the City of Des Moines, Iowa all of its fee simple property interests in the irregular portion of street right-of-way adjoining 921 6th Avenue, legally described as follows, be and is hereby approved and accepted:

That part of Public Right-of-way for 6th Avenue and School Street adjoining Block “E” of River Hills Plat 1, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa which is more particularly described as follows: Commencing at the Southwesterly corner of said Block “E”; thence on an assumed bearing of N 00°16’10” W, along the Westerly line of said Block “E”, 539.00 feet to the Point of Beginning; thence N 00°16’10” W, 29.83 feet; thence N 44°43’50” E, 35.07 feet; thence S 89°25’58” E, 25.20 feet to the Northwesterly line of said Block “E”; thence S 42°23’19” W, along said Northwesterly line, 73.78 feet to the Point of Beginning.

AND

That part of Public Right-of-way for 5th Avenue and School Street adjoining Block “E” of River Hills Plat 1, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa which is more particularly described as follows: Commencing at the Southeasterly corner of said Block “E”; thence on an assumed bearing of N 00°11’41” W, along the Easterly line of said Block “E”, 198.00 feet to the Point of Beginning; thence Northerly 124.92 feet on a non-tangential curve to the left having a radius of 1218.08 feet, a central angle of 05°52’33”, and a chord which bears N 06°50’43” W, for 124.86 feet; thence N 11°53’33” W, 88.53 feet; thence Northerly 97.39 feet on a tangential curve to the right having a radius of 850.00 feet, having a central angle of 06°33’54”, and a chord which bears N 08°36’36” W, for 97.34 feet; thence N 05°19’39” W, 30.50 feet; thence Northerly 23.42 feet on a tangential curve to the left having a radius of 148.76 feet, a central angle of 09°01’20”,

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and a chord which bears N 09°50'19" W, for 23.40 feet; thence N 43°39'55" W, 50.57 feet; thence N 89°25'58" W, 102.51 feet to the Northeasterly line of said Block "E"; thence along the Northeasterly line of said Block "E" the following courses: S 38°12'23" E, 84.64 feet; thence S 89°25'58" E, 5.00 feet; thence S 24°07'41" E, 39.62 feet; thence S 00°17'20" E, 30.00 feet; thence S 89°25'48" E, 11.00 feet; thence S 20°08'47" E, 141.01 feet; thence S 20°21'35" E 64.18 feet; thence S20°07'14" E, 77.09 feet; thence S 89°25'58" E, 9.83 feet to the Point of Beginning.

5. That the City Clerk is hereby authorized and directed to endorse upon the Corrected Quit Claim Deed from the State of Iowa the approval and acceptance of this Council; and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall cause said document to be recorded.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PSW

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

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

MOTION CARRIED APPROVED
Mayor