



Roll Call Number

18-1399

Agenda Item Number

13

Date August 20, 2018

RESOLUTION AUTHORIZING AND APPROVING VARIOUS RELEASES TO CLEAR TITLE TO PROPERTY PREVIOUSLY CONVEYED BY THE CITY OF DES MOINES LOCATED AT 1245 9TH STREET

WHEREAS, on April 9, 2012, by Roll Call No. 12-0560, the City Council of the City of Des Moines approved the sale of excess City property locally known as 812 Indiana Avenue and located east of and adjoining 1245 9th Street, legally described below, to Shawn D. Wagner, owner of 1245 9th Street:

The East 31.0 feet of Lot 9, North Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa;

And

WHEREAS, on July 23, 2012, by Roll Call No. 12-1197, the City Council of the City of Des Moines approved the sale of excess City property locally known as 1215 9th Street and located at the northeast corner of 9th Street and University Avenue, legally described below, to River Bend Association, Inc.:

Lot 4, North Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa;

And

WHEREAS, the City of Des Moines held mortgage liens, security agreements, collateral assignments of interest and covenants upon the properties described above by reason of certain Mortgages, Declarations of Covenants, Mortgage and Security Agreements, Collateral Assignments of Interest in Licenses, Permits and Agreements, and Collateral Assignments of Leases and Rents; and

WHEREAS, due to a portion of the above described properties subsequently being sold, it was discovered the City may have an outstanding interest in said Mortgages, Declarations of Covenants, Mortgage and Security Agreements, Collateral Assignments of Interest in Licenses, Permits and Agreements, and Collateral Assignments of Leases and Rents, which has created a cloud on title, and the current titleholder of 1245 9th Street has requested the City release its interest in order to remove said cloud; and

WHEREAS, in order to clear title on the above properties, it is necessary and appropriate for the City of Des Moines to release said Mortgages, Declarations of Covenants, Mortgage and Security Agreements, Collateral Assignments of Interest in Licenses, Permits and Agreements, and Collateral Assignments of Leases and Rents concerning the above properties; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Mayor of is hereby authorized and directed to sign and the City Clerk attest to signature of all releases to Mortgages, Declarations of Covenants, Mortgage and Security Agreements, Collateral Assignments of



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Interest in Licenses, Permits and Agreements, and Collateral Assignments of Leases and Rents relating to the above properties in such forms as approved by the Legal Department.

BE IT FURTHER RESOLVED that the Real Estate Division Manager is authorized and directed to forward the original of the releases together with a certified copy of this resolution to the Polk County Recorder's Office for the purpose of causing the documents to be recorded.

Moved by Boesen to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

RW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED APPROVED

[Signature] 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.

[Signature] City Clerk