



Roll Call Number

19-1998

Agenda Item Number

16

Date December 16, 2019

RESOLUTION ACCEPTING WARRANTY DEED FOR EAST VINE STREET BETWEEN EAST 6TH STREET AND EAST 7TH STREET AND REDEDICATING FOR RIGHT-OF-WAY PURPOSES

WHEREAS, on July 23, 2001, by Roll Call No. 01-2310, the City Council of the City of Des Moines passed Ordinance No. 13,974 vacating East Vine Street right-of-way between East 6th Street and East 7th Street (hereinafter "Property"); and

WHEREAS, the Property was subsequently sold multiple times; and

WHEREAS, Rowat Lofts, LLC is the current owner of the Property and has reconstructed the Property as a street as part of the redevelopment of an adjoining property; and

WHEREAS, on December 16, 2019, by Roll Call No. 19-1989, the City Council of the City of Des Moines accepted the improvements made to the Property pursuant to a private construction contract; and

WHEREAS, the previously vacated East Vine Street right-of-way between East 6th Street and East 7th Street is now needed for roadway and pedestrian way purposes and requires the City to accept of a Warranty Deed from Rowat Lofts, LLC at no cost for the Property and rededication of the Property as public right-of-way.

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

- 1. The Warranty Deed from Rowat Lofts, LLC to the City at no cost for the Property be and is hereby approved and accepted.
2. Previously vacated East Vine Street between East 6th Street and East 7th Street, legally described as follows, is hereby rededicated as public right-of-way.

THE VACATED E VINE STREET RIGHT-OF-WAY AND A PART OF LOTS 1 AND 10 AND THE VACATED ALLEY, BLOCK 18, TOWN OF DE MOINE, AN OFFICIAL PLAT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 10, BLOCK 29, OF SAID TOWN OF DE MOINE; THENCE NORTH 15°00'45"W ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 18 AND ALONG SAID EAST LINE, A DISTANCE OF 319.10 FEET TO THE POINT OF BEGINNING; THENCE WESTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 2200.49 FEET, WHOSE ARC LENGTH IS 212.98 FEET AND WHOSE CHORD BEARS SOUTH 77°45'39" WEST, 212.90 FEET; THENCE SOUTH 75°02'01" WEST, 105.12 FEET TO THE WEST LINE OF SAID BLOCK 18; THENCE NORTH 14°55'14" WEST ALONG SAID WEST LINE AND ITS NORTHERLY EXTENSION, 74.00 FEET TO THE NORTHWEST CORNER OF SAID VACATED E VINE STREET RIGHT-OF-WAY; THENCE NORTH 75°02'01" EAST ALONG



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THE NORTH LINE OF SAID VACATED RIGHT-OF-WAY, 105.03 FEET; THENCE EASTERLY CONTINUING ALONG SAID NORTH LINE AND ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 2274.49 FEET, WHOSE ARC LENGTH IS 212.94 FEET AND WHOSE CHORD BEARS NORTH 77°40'14" EAST, 212.86 FEET; THENCE SOUTH 15°00'45" EAST, 74.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.54 ACRES (23,535 S.F.).

- 3. That the Mayor and/or City Clerk are hereby authorized and directed to execute the approval and acceptance of the Warranty Deed and the City Clerk is further authorized and directed to deliver the Warranty Deed to the Real Estate Division Manager, who shall proceed to record said Warranty Deed in accordance with standard real estate practices.
- 4. The Real Estate Division is authorized and directed to forward the certified copy of this resolution to the Polk County Recorder for the purpose of causing said document to be recorded.
- 5. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Real Estate Division.
- 6. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of the Warranty Deed prior to recording.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

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

CERTIFICATE

I, P. KAY CMELIK, 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 Cownie
Mayor

P. Kay Cmelik City Clerk