



Roll Call Number

21473

Agenda Item Number

22

Date October 4, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR ISSUANCE OF A CORRECTED QUIT CLAIM DEED CONVEYING EXCESS CITY PROPERTY LOCATED WEST OF AND ADJOINING 2003 CENTER STREET TO DAVID A. CLASON AND MARGARET J. CLASON, TRUSTEES OF THE DAVID A. CLASON AND MARGARET J. CLASON TRUST DATED OCTOBER 21, 2003

WHEREAS, on July 28, 2008, by Roll Call No. 08-1309, the City Council of the City of Des Moines, Iowa voted to pass a resolution accepting and approving the Plat of Survey dedicating street right-of-way for the east/west and north/south segments of Martin Luther King, Jr. Parkway Project, and identifying the excess property for the Project; which Plat of Survey was subsequently filed of record with Polk County Recorder’s Office on August 1, 2008 in Book 12736, Page 582; and

WHEREAS, David A. Clason and Margaret J. Clason, Trustees of the David A. Clason and Margaret J. Clason Revocable Family Trust dated October 21, 2003, owner of 2003 Center Street, offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of excess City property lying west of and adjoining its property at 2003 Center Street (hereinafter “Property”), for assemblage with 2003 Center Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

WHEREAS, on August 23, 2021, by Roll Call No. 21-1367, the City Council of the City of Des Moines, Iowa approved the sale of the Property, and the Mayor signed the quit claim deed conveying the Property to David A. Clason and Margaret J. Clason, Trustees of the David A. Clason and Margaret J. Clason Revocable Family Trust dated October 21, 2003, which quit claim deed was subsequently filed of record on August 27, 2021, with the Polk County Recorder's Office in Book 18721, Page 962; and

WHEREAS, after recording said quit claim deed, an error was discovered in the legal description, leading to the need to issue a Corrected Quit Claim Deed; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to issue a Corrected Quit Claim Deed for the excess City property lying west of and adjoining 2003 Center Street, as legally described below, to David A. Clason and Margaret J. Clason, Trustees of the David A. Clason and Margaret J. Clason Revocable Family Trust dated October 21, 2003, subject to a reservation of easements therein for the continued use and maintenance of any utilities now in place, including those for the benefit and use of the City of Des Moines, with the right of entry for servicing same:



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ALL THAT PART OF DISPOSAL PARCEL 8 LYING WITHIN LOTS 5 AND 6, BLOCK E, LEYNER'S PLAT OF TOWN LOTS AND STREETS, AN OFFICIAL PLAT, SAID DISPOSAL PARCEL 8 BEING ON PLAT OF SURVEY RECORDED IN BOOK 12736 PAGE 582 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.03 ACRES (1,341 SQUARE FEET).

2. A public hearing shall be held on October 18, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. October 14, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the October 18, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
4. There are no proceeds associated with this conveyance.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

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

J. M. Frankhu Cowme
Mayor

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.

P. Kay Cmelik

City Clerk