CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

6(d)

DATE: **November 2, 2015**

ITEM: Resolution – Conveyance of property to KH Development, L.L.C.

FINANCIAL IMPACT: None

SYNOPSIS: On November 17, 2014 the West Des Moines City Council approved the vacation of public right-of-way that was platted as part of Corrected Michael's Landing Plat 1 in Woodland Hills. Vacation of the right-of-way was done in conjunction with the realignment of public streets in the area and the re-platting of a portion of Plat 1 for use in Corrected Michael's Landing Plat 3. The developer of Plat 3, KH Development, has requested that the vacated right-of-way in Plat 1, which is similar in size and value to the property KH Development was required to dedicate to the City for use as public right-of-way in Plat 3, be conveyed to KH Development at no cost.

RECOMMENDATION:

Approve - Resolution authorizing the conveyance of property from the City of West Des Moines to KH Development, L.L.C.

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation			

Prepared by/Return to: R.J. Scieszinski, W. Des Moines City Attorney, P.O. Box 65320, West Des Moines, Iowa 515-222-3523

RESOLUTION NO. _____

RESOLUTION OPENING AND CLOSING PUBLIC HEARING AND APPROVING CONVEYANCE OF PROPERTY TO KH DEVELOPMENT, L.C.

WHEREAS, on November 17, 2014, the City of West Des Moines vacated by ordinance property previously dedicated as public right-of-way; and

WHEREAS, in conjunction with the re-platting of property necessary for the development of Michaels Landing Plat 3, KH Development, L.C., an Iowa limited liability company, has requested to acquire a portion of the vacated right-of-way for inclusion in Plat 3; and

WHEREAS, the vacated right-of-way acquired by KH Development will constitute an area of property similar in size and value to the property dedicated by KH Development to the City of West Des Moines for use as public right-of-way in Michael's Landing Plat 3; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice for conveyance of the property from the City of West Des Moines to KH Development, attached hereto as Exhibit "A" has been made; and

WHEREAS, this being the time and place for the public hearing regarding the conveyance of the property legally-described on Exhibit "A"; and

WHEREAS, it is in the best interest of the City of West Des Moines to convey the property at no cost to, but in recognition of, the dedication by KH Development to the City of West Des Moines of similar property for use as public right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. Pursuant to Code of Iowa Section 364.7, publication of notice regarding conveyance of the property legally-described on the attached Exhibit "A" has been properly made, and the public hearing regarding conveyance of the above legally-described property is closed.

2. Conveyance of the property legally-described on the attached Exhibit "A" from the City of West Des Moines to KH Development, L.C., an Iowa limited liability company, is approved.

3. The Mayor is authorized to sign a quitclaim deed conveying the property to KH Development, L.C., and the City Clerk is directed to attest to his signature.

PASSED AND APPROVED this 2nd day of November, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

Prepared by/return to: R.J. Scieszinski, P.O. Box 65320, West Des Moines IA 50265-0320; 515-222-3614
Address Tax Statements: KH Development, L.C., 2785 N. Ankeny Blvd., Suite 22, Ankeny, IA 50023

SPACE ABOVE THIS LINE FOR RECORDER

QUIT CLAIM DEED

For the consideration of One Dollar and other valuable consideration, the **City Of West Des Moines**, a municipal corporation organized under the laws of the State of Iowa ("Grantor") does hereby quit claim to **KH Development, L.C.**, an Iowa limited liability company ("Grantee"), all its right, title, interest, estate, claim and demand in the following described real estate in Dallas County, Iowa:

Street Lot "K", Corrected Michael's Landing Plat 1, and
Outlot "JJ", Corrected Michael's Landing Plat 1, and
Part of Street Lot "J", Corrected Michael's Landing Plat 1, and
Part of Street Lot "W", Michael's Landing Plat 1,
an official plat of the City of West Des Moines, Dallas County, Iowa, all as more fully described on the attached Exhibit "A", subject to all easements of record.

Words and phrases herein, including acknowledgement hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the content.

Dated this ____ day of November, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson,
City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this _____ day of November, 2015, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me known to be the Mayor and City Clerk, respectively, of the City of West Des Moines, Iowa; that the seal affixed is the corporate seal of the City, and that the instrument was signed and sealed on behalf of the City, by authority of its City Council as contained in Resolution No. ___ approved on the 2nd day of November, 2015 by the City Council of the City of West Des Moines, Iowa, and that the Mayor and City Clerk acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

_____
Notary Public

This deed is exempt from transfer tax pursuant to Iowa Code Section 428A.2(6)

EXHIBIT "A"

STREET LOT 'K', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

OUTLOT 'JJ' IN THE CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

PART OF STREET LOT 'J', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NW CORNER OF SAID STREET LOT 'J', SAID NW CORNER ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SUGAR CREEK DRIVE AS IT IS PRESENTLY ESTABLISHED; THENCE S89°27'27"E, 60.04 FEET ALONG THE NORTH LINE OF SAID STREET LOT 'J' AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE S00°37'41"W, 43.89 FEET TO THE NE CORNER OF PARCEL 'A' OF THE SW1/4 NE1/4 OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., AN OFFICIAL PARCEL RECORDED IN BOOK 777, PAGE 912 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S86°04'24"W, 35.11 FEET ALONG NORTH LINE OF SAID PARCEL 'A' TO A POINT ON THE WEST LINE OF SAID STREET LOT 'J', SAID POINT ALSO BEING SE CORNER OF OUTLOT 'JJ' OF SAID CORRECTED MICHAEL'S LANDING PLAT 1; THENCE N00°37'41"E, 21.56 FEET ALONG WEST LINE OF SAID STREET LOT 'J', SAID WEST LINE ALSO BEING THE EAST LINE OF SAID OUTLOT 'JJ' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING N44°25'02"W, AN ARC LENGTH OF 39.38 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

AND

THAT PART OF STREET LOT 'W' LYING WEST OF OUTLOT 'T' IN THE CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID STREET LOT 'W'; THENCE S00°38'54"W, 53.33 FEET ALONG THE EAST LINE OF SAID STREET LOT 'W' TO THE SE CORNER OF SAID STREET LOT 'W'; THENCE S83°51'15"W, 382.86 FEET ALONG THE SOUTH LINE OF SAID STREET LOT 'W' TO A POINT; THENCE N00°39'19"E, 49.81 FEET TO THE POINT ON THE NORTH LINE OF SAID STREET LOT 'W', SAID POINT ALSO BEING ON THE EAST LINE OF OUTLOT 'HH' OF SAID CORRECTED MICHAEL'S LANDING PLAT 1; THENCE N83°19'53"E, 383.29 FEET ALONG THE NORTH LINE OF SAID STREET LOT 'W' TO THE POINT OF BEGINNING AND CONTAINING 0.45 ACRES