CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: October 3, 2016

ITEM: Resolution – Conveyance of property to Mill Ridge Homes, LLC

FINANCIAL IMPACT: None

SYNOPSIS: On May 2, 2016 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. Because the adjacent area was never developed, the vacated right-of-way was never used as a public street. Mill Ridge Homes, the successor to the previous owner of the property is now platting the property as Mill Ridge Plat 1. The company has requested that the City convey to it the vacated right-of-way in exchange for the Company's dedication of property for public use as part of Mill Ridge Plat 1.

RECOMMENDATION:

Approve - Resolution approving the conveyance of property by quitclaim deed from the City of West Des Moines to Mill Ridge Homes, LLC.

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

	Des Moines Register
Dates(s) Published	September 26, 2016

SUBCOMMITTEE REVIEW (if applicable) None

Committee			
Date Reviewed			
Recommendation			

RESOLUTION NO. _____

RESOLUTION OPENING AND CLOSING PUBLIC HEARING AND APPROVING CONVEYANCE OF PROPERTY TO MILL RIDGE HOMES, LLC

WHEREAS, on May 2, 2016 the City of West Des Moines vacated by ordinance property previously dedicated as public right-of-way in Corrected Michaels Landing, Plat 1; and

WHEREAS, in conjunction with the re-platting of property necessary for the development of Mill Ridge Plat 1, Mill Ridge Homes, LLC, an Iowa limited liability company, has requested that it acquire a portion of the vacated public right-of-way for inclusion in Mill Ridge Plat 1; and

WHEREAS, the vacated right-of-way acquired by Mill Ridge Homes will constitute an area of property similar in size and/or value to the property previously dedicated by Mill Ridge Homes or its predecessor to the City of West Des Moines for use as public right-of-way in Corrected Michael's Landing Plat 1; 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 Mill Ridge Homes, LLC, attached hereto as Exhibit "B" 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 Mill Ridge Homes or its predecessor 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 Mill Ridge Homes, LLC is approved.

3. The Mayor is authorized to sign a quitclaim deed conveying the property to Mill Ridge Homes and the City Clerk is directed to attest to the Mayor's signature.

PASSED AND APPROVED this 3rd day of October, 2016.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

Exhibit "A"

RIGHT OF WAY VACATION DESCRIPTIONS

PART OF STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT 'N', SAID CORRECTED MICHAEL'S LANDING PLAT 1; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID STREET LOT 'F' AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 2515.00 FEET, WHOSE ARC LENGTH IS 76.36 FEET, AND WHOSE CHORD BEARS NORTH 88°09'51" EAST, 76.35 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 16.16 FEET, AND WHOSE CHORD BEARS SOUTH 69°07'00" WEST, 15.88 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 2520.00 FEET, WHOSE ARC LENGTH IS 197.23 FEET, AND WHOSE CHORD BEARS SOUTH 89°52'46" WEST, 197.18 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 16.16 FEET, AND WHOSE CHORD BEARS NORTH 69°21'27" WEST, 15.88 FEET TO THE NORTH LINE OF SAID STREET LOT 'F'; THENCE SOUTHEASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 2515.00 FEET, WHOSE ARC LENGTH IS 150.60 FEET, AND WHOSE CHORD BEARS SOUTH 89°15'03" EAST, 150.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (1,088 SQUARE FEET).

AND

PART OF STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF OUTLOT '0', SAID CORRECTED MICHAEL'S LANDING PLAT 1; THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF SAID STREET LOT 'F' AND A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 2585.00 FEET, WHOSE ARC LENGTH IS 149.46 FEET, AND WHOSE CHORD BEARS NORTH 89°16'01" WEST, 149.43 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 16.02 FEET, AND WHOSE CHORD BEARS NORTH 73°42'21" EAST, 15.74 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 2580.00 FEET, WHOSE ARC LENGTH IS 193.39 FEET, AND WHOSE CHORD BEARS NORTH 89°54'39" EAST, 193.35 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 16.02 FEET, AND WHOSE CHORD BEARS SOUTH 73°53'03" EAST, 15.74 FEET TO THE SOUTH LINE OF SAID STREET LOT 'F'; THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 2585.00 FEET, WHOSE ARC LENGTH IS 74.20 FEET, AND WHOSE CHORD BEARS SOUTH 88°15'16" WEST, 74.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (1,070 SQUARE FEET).

AND

STREET LOT 'I', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND CONTAINING 1.02 ACRES (44,321 SQUARE FEET).

AND

Exhibit "A"

PART OF STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID STREET LOT 'F'; THENCE SOUTH 0°29'50" WEST ALONG THE EAST LINE OF SAID STREET LOT 'F', 101.41 FEET; THENCE NORTH 44°32'36" WEST, 70.66 FEET; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID STREET LOT 'F' AND A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 1465.00 FEET, WHOSE ARC LENGTH IS 169.64 FEET, AND WHOSE CHORD BEARS SOUTH 86°37'04" WEST, 169.54 FEET; THENCE SOUTH 83°18'02" WEST ALONG SAID SOUTH LINE, 892.95 FEET; THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 2585.00 FEET, WHOSE ARC LENGTH IS 115.16 FEET, AND WHOSE CHORD BEARS SOUTH 84°34'36" WEST, 115.15 FEET; THENCE NORTH 0°37'08" EAST, 70.25 FEET TO THE NORTH LINE OF SAID STREET LOT 'F'; THENCE NORTHEASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 2515.00 FEET, WHOSE ARC LENGTH IS 106.21 FEET, AND WHOSE CHORD BEARS NORTH 84°30'37" EAST, 106.20 FEET; THENCE NORTH 83°18'02" EAST, 87.53 FEET; THENCE SOUTH 0°29'50" WEST ALONG SAID NORTH LINE, 35.28 FEET; THENCE NORTH 83°18'02" EAST ALONG SAID NORTH LINE, 1035.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.20 ACRES (52,256 SQUARE FEET).

REGISTER MEDIA
A GANNETT COMPANY

AFFIDAVIT OF PUBLICATION

State of Iowa

County of Polk, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

Ad No.	Start Date:	Run Dates:	Cost:
0001603084	9/26/16	09/26/16	$28.73

Copy of Advertisement
Exhibit "A"

Staff member, Register Media

Subscribed and sworn to before me by said affiant this

26th day of September, 2016

Notary Public for the state of Iowa

NOTARIAL SEAL IOWA

ANDREA HOUGHTON
COMMISSION NO. 753956
MY COMMISSION EXPIRES
July 29, 2017

NOTICE OF PUBLIC HEARING

The West Des Moines City Council will hold a public hearing at 5:35 p.m. on October 3, 2106 at the West Des Moines City Hall Council Chambers, 4200 Mills Civic Parkway, West Des Moines, Iowa to consider the conveyance to Mill Ridge Homes, LLC of the property legally described as:

PARTS OF STREET LOT "F" COMPRISING APPROXIMATELY 54,414 S.F. AND ALL OF STREET LOT "I", CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA,

in exchange for property to be dedicated to the City West Des Moines in conjunction with the platting of Mill Ridge Plat 1, an official plat of the City of West Des Moines, Dallas County, Iowa.

Any interested person may appear at the hearing and be heard regarding the proposed sale and conveyance of the property. A detailed location map showing the property may be obtained at the West Des Moines City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa.

CITY OF WEST DES MOINES, IOWA

By: Ryan T. Jacobson, City Clerk

Published in the Des Moines Register September 26, 2016.

Prepared by: R.J. Scieszinski, P.O. Box 65320, West Des Moines IA 50265-0320; 515-222-3614
Address Tax Statements: Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, IA 50266

SPACE ABOVE LINE FOR RECORDER

QUITCLAIM 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 quitclaim to **Mill Ridge Homes, LLC**, 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:

Vacation description as shown on the attached Exhibit "A."

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 3rd day of October, 2016.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 3rd day of October, 2016, 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 instrument was signed on behalf of the City by authority of its City Council as contained in Resolution _____ passed on the 3rd day of October, 2016 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).

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