CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: February 20, 2018

ITEM: The Preserve on Grand Plat 1, Southwest Corner of Grand Avenue and Scenic Valley Drive - Approval and Acceptance of Warranty Deed – Diligent Grand Avenue 67, LLC – FP-003613-2017

Resolution: Approval and Acceptance of Warranty Deed

FINANCIAL IMPACT: Undetermined

BACKGROUND: The final plat for The Preserve on Grand Plat 1 was approved by the City Council on December 11, 2017, and included acceptance of a deed for a street lot for the continuation of Scenic Valley Drive. The street was constructed and a re-check of the surveying revealed that there was a sliver of land that needed to be dedicated to the City to complete the right-of-way at the intersection of Scenic Valley Drive and Valley Ridge Place. The attached deed conveys that sliver to the City of West Des Moines for right-of-way purposes.

Exhibit A of Exhibit I (resolution) is a copy of the deed. For policy purposes, formal acceptance by the City Council of this warranty deed is required when conveying property interests to the City.

CITY COUNCIL SUBCOMMITTEE: Acceptance of this document by Council is a required formality; therefore, this item was not presented to the Development and Planning City Council Subcommittee.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Adopt a resolution approving and accepting the warranty deed.

Lead Staff Member: Kara V. Tragesser, AICP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Date(s) Published	N/A
Letter sent to surrounding property owners	

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Resolution
Exhibit A - Deed

EXHIBIT I

Prepared by: KTragesser Development Services, City of WDM, PO Box 65320, WDM, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION APPROVING AND ACCEPTING A WARRANTY DEED RELATED TO THE FINAL PLAT THE PRESERVE ON GRAND PLAT 1

WHEREAS, it is the policy of the City of West Des Moines, Iowa to approve and accept all deeds conveying property and other interests to the City; and

WHEREAS, the following document has been presented to the City for approval and acceptance:

Warranty Deed for right-of-way included as Exhibit A

And;

WHEREAS, it is in the best interest of the citizens of the City to approve and accept the above-described document.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT the document described above conveying property and other interests to the City of West Des Moines, Iowa, is hereby approved and accepted and shall be filed with the county recorder as appropriate.

PASSED AND ADOPTED this 20th day of February 2018.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

EXHIBIT A

WARRANTY DEED

(CORPORATE/BUSINESS ENTITY GRANTOR)
THE IOWA STATE BAR ASSOCIATION
Official Form No. 335
Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)
Christopher J. Langpaul, Hubbard Law Firm, P.C., 2900 100th St., Suite 209, Urbandale, IA 50322, (515) 222-1700

Taxpayer Information: (Name and complete address)
City of West Des Moines, 4200 Mills Civic Parkway, West Des Moines, IA 50265

Return Document To: (Name and complete address)
City of West Des Moines, 4200 Mills Civic Parkway, West Des Moines, IA 50265

Grantors:
Diligent Grand Avenue 67, LLC

Grantees:
City of West Des Moines

Legal description:

Document or instrument number of previously recorded documents:

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WARRANTY DEED
(CORPORATE/BUSINESS ENTITY GRANTOR)

For the consideration of ONE Dollar(s) and other valuable consideration, Diligent Grand Avenue 67, LLC, a(n) limited liability company organized and existing under the laws of Iowa does hereby Convey to City of West Des Moines

the following described real estate in POLK County, Iowa:
See 1 in Addendum

The grantor hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated on 2-7-18.

Diligent Grand Avenue 67, LLC, a(n) limited liability company

By _____ Steve Bruere, Manager

By STEVE BRUERE

STATE OF IOWA, COUNTY OF Polk

This record was acknowledged before me on _____, by Steve Bruere

as Manager
of Diligent Grand Avenue 67, LLC.

JILL K. HUGHES
Commission Number 790599
MY COMMISSION EXPIRES
June 18, 2018

Signature of Notary Public

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ADDENDUM

1. A PARCEL OF LAND DESCRIBED A PART OF OUTLOT X, THE PRESERVE ON GRAND PLAT 1, FINAL PLAT RECORDED IN POLK COUNTY RECORDS BOOK 16788 PAGE 732, SECTION 21, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., BEING A PART OF THE CITY OF WEST DES MOINES, COUNTY OF POLK, STATE OF IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

   BEGINNING AT THE WESTERNMOST POINT OF SAID OUTLOT X; THENCE ALONG THE NORTH LINE OF SAID OUTLOT X N86°06'56"E, 43.27 FEET; THENCE 1.84 FEET ALONG A 170.00 FOOT RADIUS CURVE CONCAVE SE, HAVING A CHORD BEARING S07°07'41"W, 1.84 FEET; THENCE ALONG THE SOUTH LINE OF SAID OUTLOT X 42.97 FEET ALONG A 510.00 FOOT RADIUS CURVE CONCAVE SOUTH, HAVING A CHORD BEARING S88°31'45"W, 42.96 FEET TO THE POINT OF BEGINNING, SAID AREA CONTAINING 26 SQUARE FEET AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

This deed is exempt according to Iowa Code 428A.2(6)

INDEX LEGEND

CITY: WEST DES MOINES COUNTY: POLK
TRS: SECTION 21, T78N, R25W
LOT: OUTLOT X OF THE PRESERVE ON GRAND PLAT 1
PROPRIETOR: DILIGENT GRAND AVENUE 67, LLC
REQUESTED BY: CITY OF WEST DES MOINES
SURVEYOR: JOHN DEWEY
COMPANY: MCCLURE ENGINEERING
RETURN TO: JOHN DEWEY 1360NW 121ST ST, STE A CLIVE, IOWA 50325 / 515-964-1229

ACQUISITION PLAT

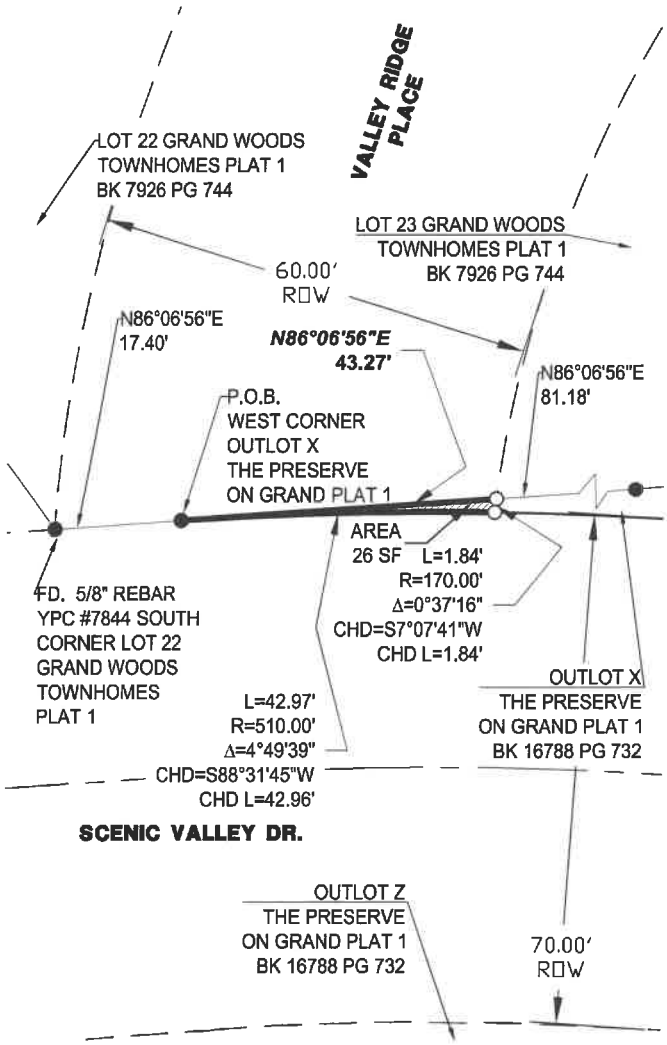
PART OF OUTLOT X, THE PRESERVE ON GRAND PLAT 1, SECTION 21, TOWNSHIP 78 NORTH, RANGE 25 WEST, OF THE 5TH P.M., WEST DES MOINES, POLK COUNTY, IOWA.

PROPRIETORS:

DILIGENT GRAND AVENUE 67, LLC
12119 STRATFORD DR, SUITE B
CLIVE, IA 50325

REQUESTED BY:

CITY OF WEST DES MOINES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IOWA 50265



LEGAL DESCRIPTION:

A PARCEL OF LAND DESCRIBED A PART OF OUTLOT X, THE PRESERVE ON GRAND PLAT 1, FINAL PLAT RECORDED IN POLK COUNTY RECORDS BOOK 16788 PAGE 732, SECTION 21, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., BEING A PART OF THE CITY OF WEST DES MOINES, COUNTY OF POLK, STATE OF IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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AREA SUMMARY:

26 Square Feet

GENERAL LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- EXIST PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- EXIST EASEMENT LINE

MONUMENTS FOUND:
- ▲ – SECTION CORNER (TYPE AS NOTED)
- ● – FOUND 1/2" REBAR WITH OPC #23252 (UNLESS NOTED OTHERWISE)

MONUMENTS SET:
- ○ – SET 1/2" REBAR WITH OPC #23252
- △ – SECTION CORNER 1/2" REBAR OPC #23252

ABBREVIATIONS:

R.O.W.	– RIGHT-OF-WAY
BK, PG	– BOOK AND PAGE
(M)	– MEASURED DISTANCE/ANGLE
(R)	– RECORD DISTANCE/ANGLE
P.U.E.	– PUBLIC UTILITY EASEMENT
BPC	– BLUE PLASTIC CAP
YPC	– YELLOW PLASTIC CAP
OPC	– ORANGE PLASTIC CAP
GPC	– GREEN PLASTIC CAP
P.O.B.	– POINT OF BEGINNING
P.O.C.	– POINT OF COMMENCEMENT

McCLURE ENGINEERING Co.
building strong communities.

1360 NW 121st Street, STE A
Clive, Iowa 50325
515-964-1229
fax 515-964-2370

NORTH

0 10 20
(IN FEET)
1 inch = 20 ft.

LICENSED LAND SURVEYOR
JOHN DEWEY
23252
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: JOHN DEWEY DATE:

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019

PAGES OR SHEETS COVERED BY THIS SEAL: THIS SHEET

DATE SURVEYED: 01/29/2018

DRAWING PATH: N:\C3D Projects\WDM 2210034\Survey