# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**DATE:** July 1, 2019

**ITEM:** Resolution — Approval and acceptance of Quit Claim Deed necessary for the clearing of title to the vacated part of old Ashworth Road right-of-way, Project No. 0510 031 2016

**FINANCIAL IMPACT:** Previously paid - $50.00 pursuant to Code of Iowa Section 649.5

**SYNOPSIS:** In April 1913, the Nellie McCurnin Trust dedicated land to the City for road purposes (now known as the vacated part of old Ashworth Road right-of-way lying East of Lot 2, McCurnin Place, and West of a line which is West of the Center line of Section 11, Township 78 North, Range 25 West of the 5th P.M.). It was discovered that a deed was never recorded for such transfer. In June 2012, the Nellie McCurnin Trust filed an Affidavit of Possession claiming a right to the vacated part of old Ashworth Road right-of-way. As part of the process to clear title to said vacated right-of-way for the Grand Ave. Reconstruction Project – 1st Street to 6th Street, the Nellie McCurnin Trust has agreed to waive said claim to possession by executing a quit claim deed pursuant to Code of Iowa Section 649.5.

For policy and title purposes, formal acceptance by the City of quit claim deeds is required. The attached resolution approves acceptance of the property interests.

**RECOMMENDATION:**

Adopt resolution accepting the Property Interests for the Clearing of Title to the Vacated Part of Old Ashworth Road Right-of-Way

**Lead Staff Member:** Jessica D. Spoden, Assistant City Attorney JDS

**STAFF REVIEWS**

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

**PUBLICATION(S)** (if applicable)

| | |
|---|---|
| Published In | |
| Dates(s) Published | |

**SUBCOMMITTEE REVIEW** (if applicable)

| | | | |
|---|---|---|---|
| Committee | None | | |
| Date Reviewed | | | |
| Recommendation | Yes | No | Split |

**RESOLUTION NO._____**

**AUTHORIZING APPROVAL AND ACCEPTANCE OF PROPERTY INTERESTS FOR THE CLEARING OF TITLE TO THE VACATED PART OF OLD ASHWORTH ROAD RIGHT-OF-WAY, PROJECT NO. 0510 031 2016**

**WHEREAS,** in April 1913, the Nellie McCurnin Trust dedicated land to the City for road purposes (now known as the vacated part of old Ashworth Road right-of-way lying East of Lot 2, McCurnin Place, and West of a line which is West of the Center line of Section 11, Township 78 North, Range 25 West of the 5th P.M.), and

**WHEREAS**, it was discovered that a deed was never recorded for the transfer, and

**WHEREAS**, in June 2012, the Nellie McCurnin Trust filed an Affidavit of Possession claiming a right to the vacated part of old Ashworth Road right-of-way; and

**WHEREAS**, as part of the process to clear title to said vacated right-of-way for the Grand Ave. Reconstruction Project – 1st Street to 6th Street, the Nellie McCurnin Trust has agreed to waive said claim to possession by executing a quit claim deed pursuant to Code of Iowa Section 649.5; and

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa, to approve the conveyance of all property interests to the City; and

**WHEREAS**, documents conveying property interests for the clearing of title have been presented to the City for approval; and

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

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

1. The documents described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.

2. The City Clerk is directed to certify the Council's approval and acceptance.

3. The documents shall be filed with the county recorder as appropriate.

**PASSED AND ADOPTED** this 1st day of July, 2019.

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Steven K. Gaer, Mayor

ATTEST:

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Ryan T. Jacobson
City Clerk