CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **August 5, 2019**

ITEM: Resolution - Opening and Closing Public Hearing and Approving Conveyance of Property to the Polk County Conservation Board for use as the Charlie Cutler Memorial Bike Shelter

FINANCIAL IMPACT: None at this time

SYNOPSIS: On June 17, 2019, the West Des Moines City Council approved a Plat-of-Survey (POS-004369-2019) to create a 1.046-acre parcel (Parcel 2019-97) along the Great Western Trail for the transfer of ownership from the City to the Polk County Conservation Board. The property was voluntarily acquired by the City as part of the Veterans Parkway Improvement Project. The Conservation Board proposes to construct a berm between Veterans Parkway and the bike trail and use the property for the location of the Charlie Cutler Memorial Bike Shelter. Due to the nature of the proposed use, the attached Resolution authorizes the conveyance of the property to the Polk County Conservation Board at no cost.

RECOMMENDATION: Approve the Resolution and supporting documents conveying property to the Polk County Conservation Board for use as the Charlie Cutler Memorial Bike Shelter

Lead Staff Member: Richard J. Scieszinski, City Attorney RJS

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Services		
Date Reviewed	March 11, 2019		
Recommendation	Yes		

Prepared by: Richard J. Scieszinski, City Attorney, PO Box 65320, West Des Moines, IA 50265-0320 (515) 222-3614
Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

SPACE ABOVE THIS LINE FOR RECORDER

RESOLUTION NO. _____

RESOLUTION OPENING AND CLOSING PUBLIC HEARING AND APPROVING CONVEYANCE OF PROPERTY TO THE POLK COUNTY CONSERVATION BOARD

WHEREAS, the City of West Des Moines, Iowa is the owner of property located adjacent to the Great Western Bike Trail which was voluntarily acquired for construction of the SE Maffitt Lake Road Extension Project No. 0510-046-2014; and

WHEREAS, City staff has determined that this is excess Property not needed for the Project; and

WHEREAS, the Polk County Conservation Board has agreed to be responsible for maintenance of a portion of the Property in exchange for conveyance of the Property in order to construct the Charlie Cutler Memorial Bike Shelter; and

WHEREAS, on June 17, 2019, the West Des Moines City Council approved a Plat-of-Survey (POS-004369-2019) to create a 1.046-acre parcel (Parcel 2019-97) for the transfer of ownership from the City to Polk County Conservation Board; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice for the conveyance of the property legally described on the attached **Exhibit "A"** has been made; and

WHEREAS, this being the time and place for a public hearing regarding conveyance of the Property; and

WHEREAS, the City Council of the City of West Des Moines, Iowa finds that the conveyance of the Property to the Polk County Conservation Board is for a public purpose and is in the best interest of the City of West Des Moines, Iowa.

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.

2. The public hearing regarding conveyance of the above legally-described Property is hereby closed.

3. Conveyance of Parcel "2019-97", described on the attached **Exhibit "A"**, to the Polk County Conservation Board is for a public purpose and is hereby approved. Conveyance shall be by Quit-Claim Deed.

4. The Mayor is authorized to sign a Quit Claim Deed conveying the Property and the City Clerk is directed to attest to his signature. The documents shall be filed with the County Recorder as appropriate.

PASSED AND APPROVED this 5th day of August, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

Prepared by: Richard J. Scieszinski, City Attorney, PO Box 65320, West Des Moines, IA 50265-0320 (515) 222-3614
Return to: Polk County Conservation, 12130 NW 128th Street, Granger, IA 50109 (515) 323-5300

QUITCLAIM DEED

For the consideration of One Dollar(s) 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 **Polk County Conservation Board** ("Grantee"), all its right, title, interest, estate, claim and demand in the following described real estate in Polk County, Iowa:

PARCEL 2019-97 as shown on the Plat of Survey recorded in Book 17377, Page 712 on June 24, 2019 in the Office of the Polk County, Iowa Recorder and attached as Exhibit "A".

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

Dated this ____ day of _____, 2019.

CITY OF WEST DES MOINES,
an Iowa municipal corporation

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 5th day of August, 2019, 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 record was signed on behalf of the City, by authority of its City Council as contained in Resolution _____ passed on the 5th day of August, 2019 by the City Council of the City of West Des Moines, Iowa, and that the Mayor and City Clerk acknowledged the execution of the record to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

_____
Notary Public in and for the State of Iowa

Exhibit "A"

INDEX LEGEND

LOCATION	:	SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. POLK COUNTY, IA
REQUESTOR	:	HOWARD R. GREEN
PROPRIETOR	:	CITY OF WEST DES MOINES
SURVEYOR	:	MURRAY B. BERTING
SURVEY COMPANY	:	SHIVE-HATTERY 4125 WESTOWN PARKWAY, SUITE 100
RETURN TO	:	WEST DES MOINES, IA 50266 (515) 223-8104

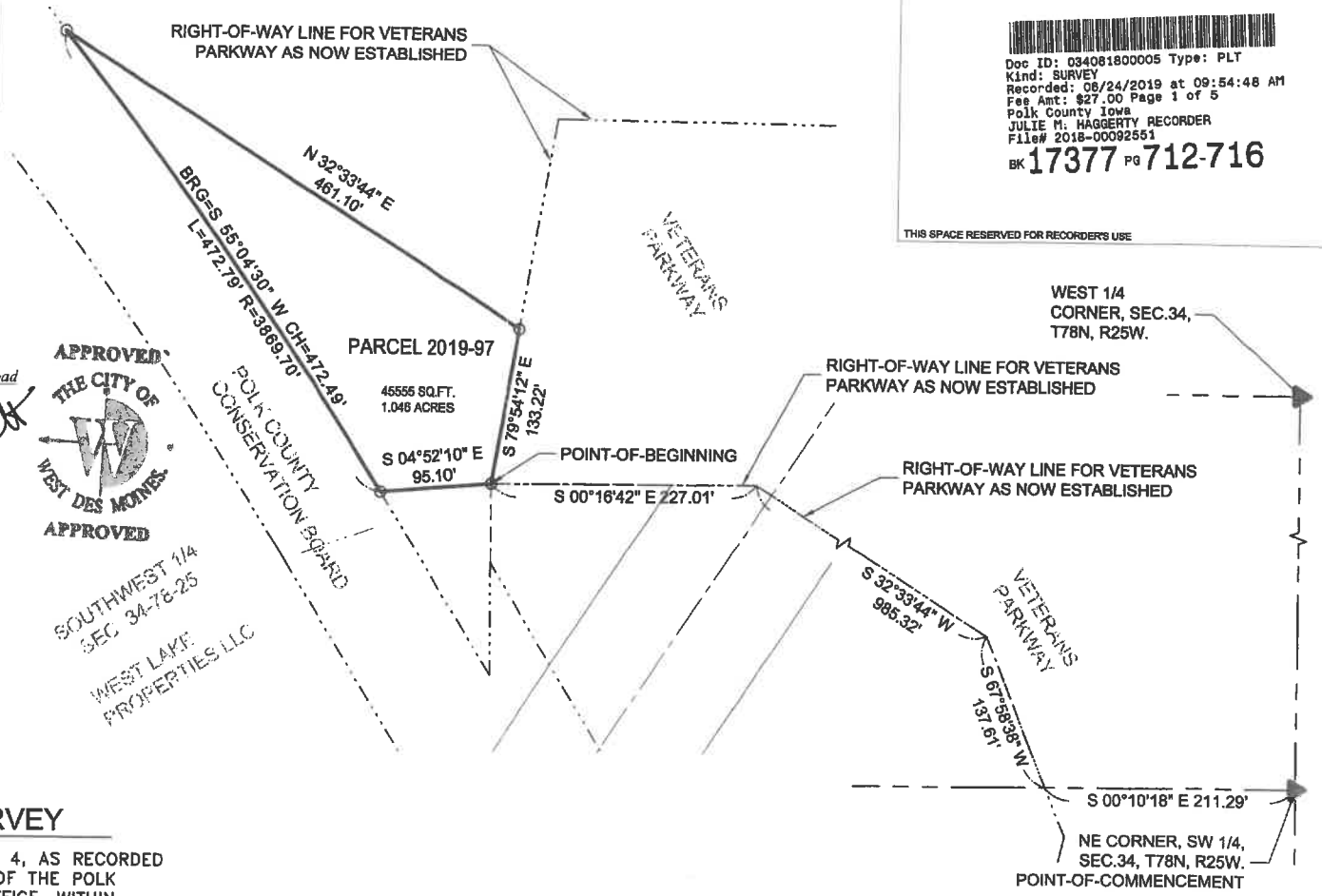
Doc ID: 034081800005 Type: PLT
Kind: SURVEY
Recorded: 06/24/2019 at 09:54:48 AM
Fee Amt: $27.00 Page 1 of 5
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2018-00092551
BK 17377 PG 712-716

THIS SPACE RESERVED FOR RECORDER'S USE

0 50 100 200
SCALE IN FEET

CITY OF WEST DES MOINES
PLAT OF SURVEY APPROVAL
Charlie Cutler Memorial Bike Shelter
SE corner of Veterans Pkwy and SE Maffitt Lake Road
POS-004369-2019
City Council Approval Date: June 17, 2019

APPROVED THE CITY OF WEST DES MOINES APPROVED



PLAT OF SURVEY

PART OF ACQUISITION PARCEL 4, AS RECORDED IN BOOK 15734, PAGE 715, OF THE POLK COUNTY, IOWA RECORDERS OFFICE, WITHIN SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA

CLIENT: CITY OF WEST DES MOINES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IA 50265
(515) 222-3620

LEGEND:

MONUMENT FOUND AS NOTED	●
PROPOSED MONUMENT	○
SECTION LINE	
EXISTING ROW LINE PREVIOUS	
ROW LINE TEMPORARY	
EASEMENT LINE	
LOT LINES	

LICENSED LAND SURVEYOR
MURRAY B. BERTING
13148
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY 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: DATE: 6-10-19
NAME: MURRAY B. BERTING
LICENSE NUMBER: 13148
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2020
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: 1 OF 2
2 OF 2

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
4125 Westown Pkwy, Suite 100 | West Des Moines, Iowa 50266
515.223.8104 | fax: 515.223.0622 | www.shive-hattery.com
Iowa | Illinois | Indiana

PLAT OF SURVEY - SECTION 34-78-25
CITY OF WEST DES MOINES
VETERANS PARKWAY - WEST DES MOINES, IA

DATE	5/08/2019	SCALE 1=100'
DRAWN	MBB	FIELD BOOK
APPROVED	MBB	REVISION

PROJECT NO. 419299-0

SHEET NO. 1 OF 2

PREPARED BY AND RETURN TO: SHIVE-HATTERY, INC., 4125 WESTOWN PARKWAY, SUITE 100, WEST DES MOINES, IA 50266-6748

PLAT OF SURVEY

PART OF ACQUISITION PARCEL 4, AS RECORDED IN BOOK 15734, PAGE 715, OF THE POLK COUNTY, IOWA RECORDERS OFFICE, WITHIN SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA

LEGAL DESCRIPTION:

PARCEL 2019-97 LEGAL DESCRITION

A PARCEL OF LAND LYING ENTIRELY WITHIN AND FORMING A PART OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P. M. NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4;

THENCE SOUTH 00°10'18" EAST, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, FOR A DISTANCE OF 211.29 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VETERANS PARKWAY AS PRESENTLY ESTABLISHED;

THENCE SOUTH 67°58'38" WEST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 137.61 FEET;

THENCE SOUTH 32°33'44" WEST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 985.32 FEET;

THENCE SOUTH 00°16'42" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 227.01 FEET, TO THE POINT-OF-BEGINNING;

THENCE SOUTH 4°52'10" EAST, FOR A DISTANCE OF 95.10 FEET, TO THE BEGINNING OF A NON-TANGET CURVE CONCAVED SOUTH WITH A RADIUS OF 3869.70 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 472.79 FEET, SAID CURVE HAS A CHORD BEARING OF SOUTH 55°04'30" WEST AND A CHORD DISTANCE OF 472.49 FEET;

THENCE NORTH 32°33'44" EAST, FOR A DISTANCE OF 461.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID VETERANS PARKWAY;

THENCE SOUTH 79°54'12" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 133.22 FEET; TO THE POINT-OF-BEGINNING.

CONTAINING 45,555 SQUARE FEET (1.046 ACRES) MORE OR LESS.

CLIENT: CITY OF WEST DES MOINES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IA 50265
(515) 222-3620

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
Iowa | Illinois | Indiana | Missouri http://www.shive-hattery.com

PLAT OF SURVEY CITY OF WEST DES MOINES, IA VETERANS PKWY - WEST DES MOINES, IOWA			PROJECT NO. 419299-0
DATE	05/08/19	SCALE	SHEET NO. 2 OF 2
DRAWN	MBB	FIELD BOOK	
APPROVED	MBB	REVISION	