CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **September 16, 2019**

ITEM: Resolution – Public hearing regarding the conveyance of excess property to Hurd Real Estate Services, Inc.

FINANCIAL IMPACT: None

SYNOPSIS: The City is owner of two small parcels (0.06 acres and 0.29 acres) of property immediately adjacent to but on opposite sides of Veterans Parkway. Due to their size and location, they are unusable as stand-alone parcels, with the maintenance cost to the City exceeding their actual value. Hurd Real Estate Services, Inc. has indicated interest in obtaining the parcels, which, as an adjacent property owner, is consistent with the City property disposition policy.

RECOMMENDATION: Approve the Resolution conveying at no cost the property shown on the attached Disposition Plat to Hurd Real Estate Services, Inc.

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

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

Published In	DM Register
Dates(s) Published	Sept. 11, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation			

RESOLUTION NO. _____

RESOLUTION APPROVING THE CONVEYANCE OF PROPERTY TO HURD REAL ESTATE SERVICES, INC.

WHEREAS, the City of West Des Moines is the owner of property located adjacent to Veterans Parkway; and

WHEREAS, City staff has determined that this is excess property not needed for any public purpose; and

WHEREAS, due to the size and location of the property, City maintenance obligations exceed the value of the property; and

WHEREAS, the City property disposition policy provides the adjacent owner priority in acquiring excess property; and

WHEREAS, Hurd Real Estate Services, Inc., as adjacent owner, has indicated its interest in obtaining the property; 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 05-D 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 at no cost to Hurd Real Estate Services, Inc. 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 05-D has been properly made.

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

3. Conveyance by quitclaim deed of the property described on the attached Exhibit 05-D to Hurd Real Estate Services, Inc. is hereby approved.

4. The Mayor is authorized to sign the quitclaim deed conveying the property and the City Clerk is directed to attest to the Mayor's signature. The documents shall be provided to Hurd Real Estate Services, Inc. as appropriate.

PASSED AND APPROVED this 16th day of September, 2019.

_____
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 Statement: Hurd Real Estate Services, Inc., 2000 Fuller Rd, W. Des Moines, IA 50265 515 225-1102

SPACE ABOVE THIS LINE FOR RECORDER

QUITCLAIM DEED

For the consideration of One Dollar and other valuable consideration, **City Of West Des Moines**, a municipal corporation organized under the laws of the State of Iowa ("Grantor") does hereby quitclaim to Hurd Real Estate Services, Inc., an Iowa corporation, ("Grantee") all its right, title, interest, estate, claim and demand in the following described real estate in Polk County, Iowa:

As shown on the attached Disposition Plat identified as Exhibit 05-D

Dated this ___ day of September, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this _____ day of September, 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 this record was signed on behalf of the City, by authority of its City Council as contained in Resolution No. _____ approved on the 16th day of September, 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 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).

INDEX · LEGEND

COUNTY: Polk
SITE ADDRESS: SE 11th Street
CITY: West Des Moines
SECTION: 34 TOWNSHIP: 78 RANGE: 25
ALIQUOT PART: NE1/4 NE1/4
PROPRIETOR: City of West Des Moines
REQUESTED BY: City of West Des Moines
SURVEYOR NAME: Vincent E. Piagentini

DISPOSITION PLAT

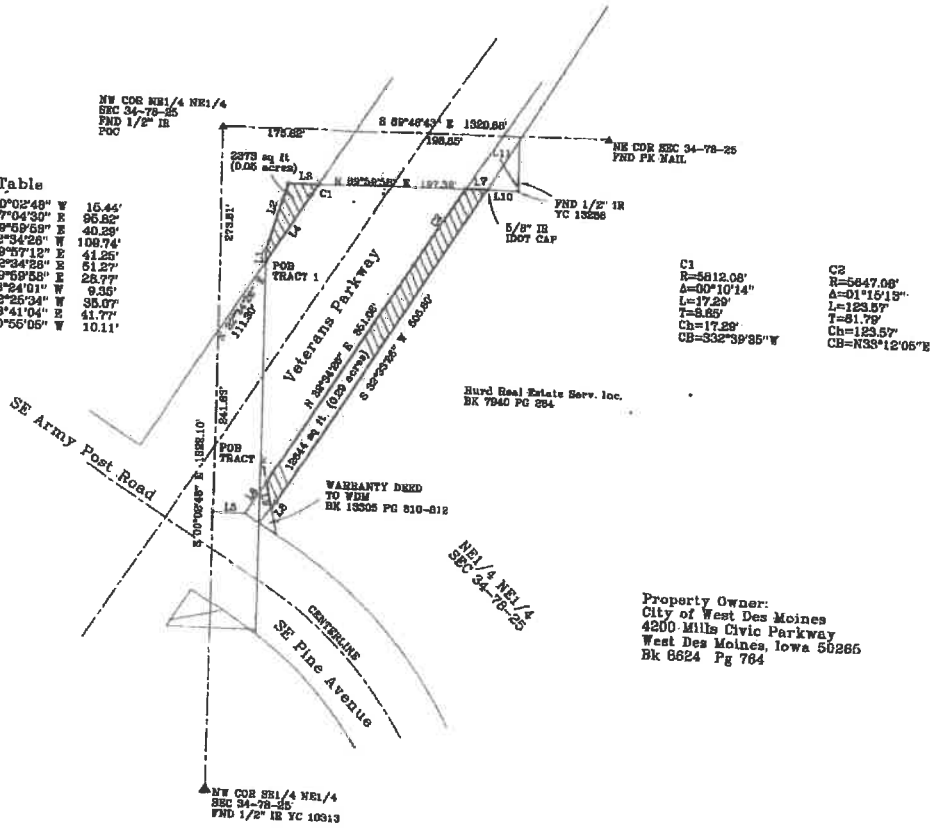
EXHIBIT 05-D

PREPARED BY & RETURN TO: ABACI CONSULTING INC, 101 NE CIRCLE DR, GRIMES, IA 50111, PH(515)988-5048

THIS SPACE RESERVED FOR REC ORDER'S OFFICE USE ONLY

Legal Description – Tract 1
All that part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 34, Township 78 North, Range 25 West of the 5th P.M., now included in and forming a part of the City of West Des Moines; Polk County, Iowa, more particularly described as follows:
Commencing at the Northwest corner of the NE1/4 NE1/4 of said Section 34, thence South 00°02'48" East, along the West line of the said NE1/4 NE1/4, a distance of 273.61 feet, to a point on the Northerly Right of Way line of Veterans Parkway; thence North 32°34'26" East, along said Northerly Right of Way line, a distance of 111.30 feet, to the Point of Beginning; thence North 00°02'48" West, a distance of 15.44 feet; thence North 17°04'30" East, a distance of 95.82 feet; thence North 89°59'58" East, a distance of 40.29 feet, to a point on the Northerly Right of Way line of Veterans Parkway; thence along said Northerly Right of Way line of Veterans Parkway, along a curve to the left having a radius of 5,812.08 feet, a delta of 00°10'14", an arc length of 17.29 feet, and a chord which bears South 32°39'35" West, having a chord distance of 17.29 feet; thence South 32°34'26" West, a distance of 109.74 feet to the Point of Beginning, and containing 2,373 square feet or 0.05 acres of land, more or less.

Legal Description – Tract 2
All that part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 34, Township 78 North, Range 25 West of the 5th P.M., now included in and forming a part of the City of West Des Moines; Polk County, Iowa, more particularly described as follows:
Commencing at the Northwest corner of the NE1/4 NE1/4 of said Section 34, thence South 00°02'48" East, along the West line of the said NE1/4 NE1/4, a distance of 515.44 feet; thence North 89°57'12" East, a distance of 41.25 feet; thence North 32°34'26" East, a distance of 51.27 feet, to the Point of Beginning thence continuing North 32°34'26" East, a distance of 351.06 feet, to a point on a curve; thence along a curve to the right having a radius of 5,647.06 feet, a delta of 01°15'13", an arc length of 123.57 feet, and a chord which bears North 33°18'05" East, having a chord distance of 123.57 feet; thence North 89°59'58" East, a distance of 28.77 feet; thence South 32°33'29" West, a distance of 505.60 feet; thence South 38°24'01" West, a distance of 9.35 feet; thence North 12°25'34" West, a distance of 35.07 feet to the Point of Beginning, and containing 12,644 square feet or 0.29 acres of land, more or less.



Line Table

L1	N 00°02'48" W	15.44'
L2	N 17°04'30" E	95.82'
L3	N 89°59'58" E	40.29'
L4	S 32°34'26" W	109.74'
L5	N 89°57'12" E	41.25'
L6	N 32°34'26" E	51.27'
L7	N 89°59'58" E	28.77'
L8	S 38°24'01" W	9.35'
L9	N 12°25'34" W	35.07'
L10	S 88°41'04" E	41.77'
L11	S 00°56'05" W	10.11'

C1
R=5812.08'
Δ=00°10'14"
L=17.29'
T=8.65'
Ch=17.29'
CB=S32°39'35"W

C2
R=5647.06'
Δ=01°15'13"
L=123.57'
T=61.79'
Ch=123.57'
CB=N33°12'05"E

Property Owner:
City of West Des Moines
4200 Mills Civic Parkway
West Des Moines, Iowa 50265
Bk 8624 Pg 764

ABACI CONSULTING, INC.
CIVIL ENGINEERING - LAND SURVEYING
101 NE CIRCLE DR., GRIMES, IOWA 50111, PH. (515)988-5048

REVISION DATE:
6/3/18
1/23/19

CITY PROJECT NO: 0260-013-2018

DATE OF SURVEY FIELDWORK: 8/18/16 DRAWING DATE: 5/17/18 DRAFTER: VP PROJECT NO: 16061 DRAWING NO: 16061D01

I HEREBY CERTIFY THAT THIS 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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

2/19/19
VINCENT E. PIAGENTINI, IOWA LIC. NO 15982 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED HERE).

VINCENT E. PIAGENTINI LICENSED 15982 IOWA PROFESSIONAL LAND SURVEYOR

SYMBOLS LEGEND:
R RECORDED DISTANCE
M MEASURED DISTANCE
C CALCULATED DISTANCE
● CORNER MONUMENT FOUND
○ SET 1/2" IR YC 15982 UNLESS NOTED
▲ SECTION CORNER FOUND
△ SECTION CORNER SET 1/2" IR YC 15982 UNLESS NOTED
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
YC YELLOW CAP

IR IRON ROD
IP IRON PIPE

0 150
Scale 1" = 150'