CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: February 17, 2020

ITEM: Resolution – Opening and Closing Public Hearing and Approving Conveyance of Excess Property to Hurd Real Estate Services, Inc.

FINANCIAL IMPACT: None

SYNOPSIS: The City is owner of a very small parcel (0.03 acres) of property generally located at SE Willow Creek Drive and Veterans Parkway, which was originally obtained by the county for a maintenance shed. It was transferred to the DOT when Army Post Road became IA-5 then to the City with the transfer of jurisdiction. Due to its size and location, it is unusable as stand-alone parcel, with the maintenance cost to the City exceeding its actual value. Hurd Real Estate Services, Inc. has indicated interest in obtaining the parcel, 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 (Exhibit 04-D) to Hurd Real Estate Services, Inc.

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

Published In	DM Register
Dates(s) Published	February 12, 2020

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 04-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 04-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 04-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 17th day of February, 2020.

_____
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 Statements: Hurd Real Estate Services, Inc., 2000 Fuller Rd., W. Des Moines, 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 "04-D" subject to any easements of record.

Dated this 17th day of February, 2020

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 17th day of February, 2020, 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 17th day of February, 2020 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 Willow Creek Drive & Veterans Parkway
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

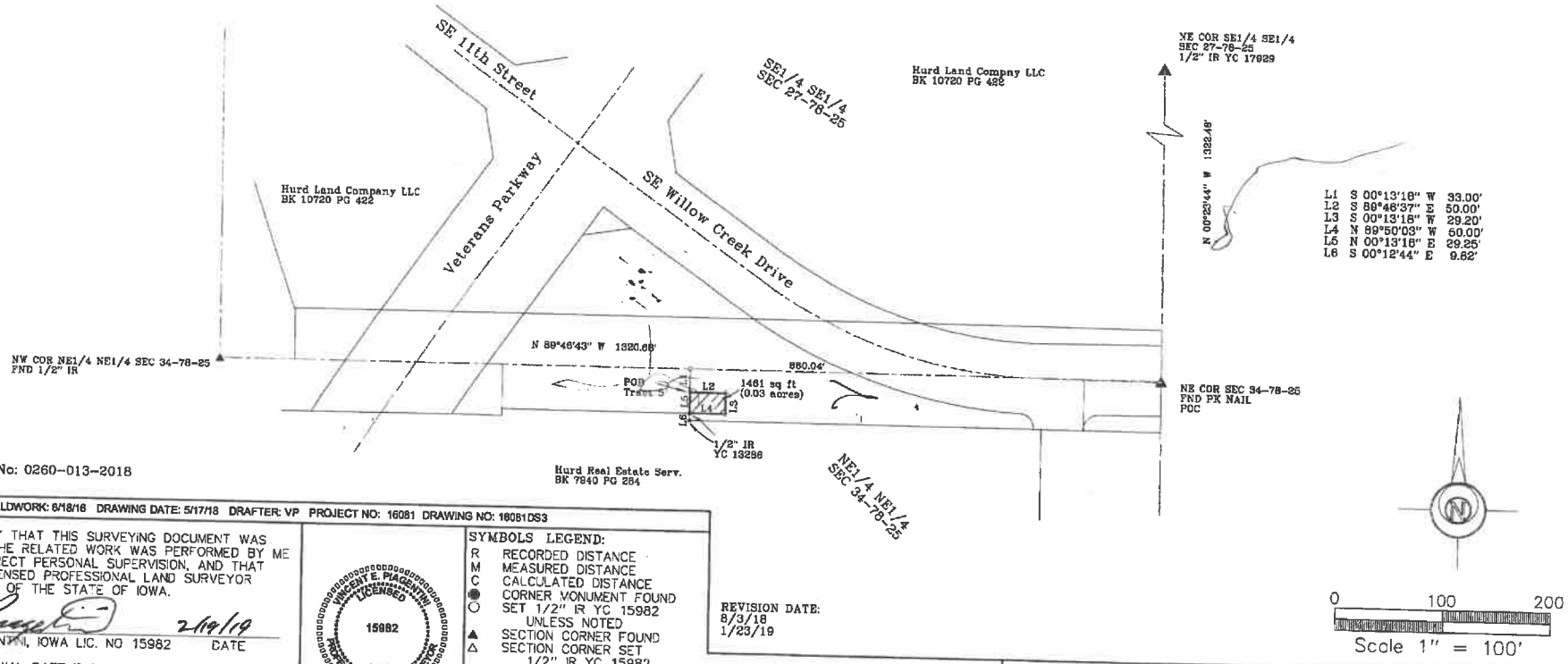
PREPARED BY & RETURN TO: ABACI CONSULTING INC, 101 NE CIRCLE DR., GRIMES, IA 50111, PH.(515)986-5048

DISPOSITION PLAT
EXHIBIT 04-D

Legal Description – Tract 5
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 Northeast corner of the NE1/4 of the NE1/4 of said Section 34, thence North 89°46'43" West, along the North line of the NE1/4 of the NE1/4 of said Section 34, a distance of 660.04 feet; thence South 00°13'18" West, a distance of 33.00 feet, to the Point of Beginning; thence South 89°46'37" East, a distance of 50.00 feet; thence South 00°13'18" West, a distance of 29.20 feet; thence North 89°50'03" West, a distance of 50.00 feet; thence North 00°13'18" East, a distance of 29.25 feet to the Point of Beginning, and containing 1,461 square feet or 0.03 acres of land, more or less.

SPACE ABOVE FOR USE BY RECORDER OFFICE

Property Owner:
City of West Des Moines
4200 Mills Civic Parkway
West Des Moines, Iowa 50265
Bk 14164 Pg 249



City Project No: 0260-013-2018

DATE OF SURVEY FIELDWORK: 6/18/16 DRAWING DATE: 5/17/18 DRAFTER: VP PROJECT NO: 16081 DRAWING NO: 16081DS3

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

REVISION DATE:
8/3/18
1/23/19

IR IRON ROD
IP IRON PIPE

ABACI CONSULTING, INC.
CIVIL ENGINEERING - LAND SURVEYING
101 NE CIRCLE DR., GRIMES, IOWA 50111, PH. (515)986-5048