CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: February 17, 2020

ITEM: Resolution - Opening and Closing Public Hearing and Approving Conveyance of Property to Hurd Black, LLC and Hurd West Glen, LLC

FINANCIAL IMPACT:

SYNOPSIS: In conjunction with the construction of the South 88th Street and Mills Civic Parkway intersection, the City negotiated agreements with adjacent property owners. Among other things, the agreements addressed the disposition of excess parcels created by the realignment of the intersection. A term of the agreements between Hurd Black LLC, Hurd West Glen, LLC and the City provide for the conveyance by the City of the two parcels shown on the attached Acquisition Plats. In exchange, the Hurd entities agree to pay the City for the parcels based upon their fair market value.

The attached Resolution acknowledges the public hearing, authorizes the conveyance of Parcel 19-34 to Hurd Black, LLC and Parcel 19-35 to Hurd West Glen, LLC and approves the documentation required for the conveyances.

RECOMMENDATION: Approve the Resolution and supporting documents conveying property to Hurd Black, LLC and Hurd West Glen, LLC

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	RJS
Agenda Acceptance	KW

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	February 12, 2020

SUBCOMMITTEE REVIEW (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation			

RESOLUTION NO. _____

RESOLUTION OPENING AND CLOSING PUBLIC HEARING AND APPROVING CONVEYANCE OF PROPERTY TO HURD BLACK, LLC AND HURD WEST GLEN, LLC

WHEREAS, the City of West Des Moines, Iowa is the owner of property located adjacent to Mills Civic Parkway which was voluntarily acquired for construction of the South 88th Street and Mills Civic Parkway Reconstruction Project No. 0510-048-2018; and

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

WHEREAS, in fulfillment of an agreement regarding construction of the Project with the adjacent property owners, Hurd Black, LLC and Hurd West Glen, LLC, and pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice for the conveyance of the property legally described on Plats of Survey 19-34 and 19-35, as recorded in Book 2019, Pages 20034 and 20035, respectively, 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 Parcel 19-34 to Hurd Black, LLC and conveyance of Parcel 19-35 to Hurd West Glen, LLC as previously provided by agreement should be approved.

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 Plats of Survey labeled Parcels 19-34 and 19-35, as recorded in Book 2019, Pages 20034 and 20035, respectively, and filed on October 23, 2019 has been properly made.

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

3. Conveyance by quitclaim deed of Parcels 19-34 and 19-35 as shown in Book 2019, Pages 20034 and 20035, respectively, and filed October 23, 2019, to Hurd Black LLC and Hurd West Glen LLC, respectively, is hereby approved.

4. The Mayor is authorized to sign the quitclaim deeds conveying the Property and the City Clerk is directed to attest to the Mayor's signature. The documents shall be filed with the county recorder 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 Black, LLC, 2000 Fuller Road, West 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, the **City of West Des Moines**, a municipal corporation organized under the laws of the State of Iowa ("Grantor") does hereby quitclaim to **Hurd Black, LLC,** an Iowa limited liability company ("Grantee") all its right, title, interest, estate, claim and demand in the following described real estate in Dallas County, Iowa:

As legally-described and shown on the Plat of Survey labeled Parcel 19-34, recorded in Book 2019, Page 20034 and filed October 23, 2019 in the Office of the Dallas County, Iowa Recorder, subject to any and all easements of record.

Dated this ___ day of _____, 2020.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this _____ day of _____, 2020, before me a Notary Public in and for said County, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively of the City of West Des Moines, Iowa, a municipal corporation, created and existing under the laws of the State of Iowa and that said record was signed on behalf of said municipal corporation by authority and resolution of its City Council as contained in Resolution No. _____ approved on the 17th day of February, 2020 and said Mayor and City Clerk acknowledged said record to be the free act and deed of said municipal corporation by it voluntarily executed.

_____
Notary Public

This deed is exempt from transfer tax pursuant to Iowa Code Section 428A.2(6).

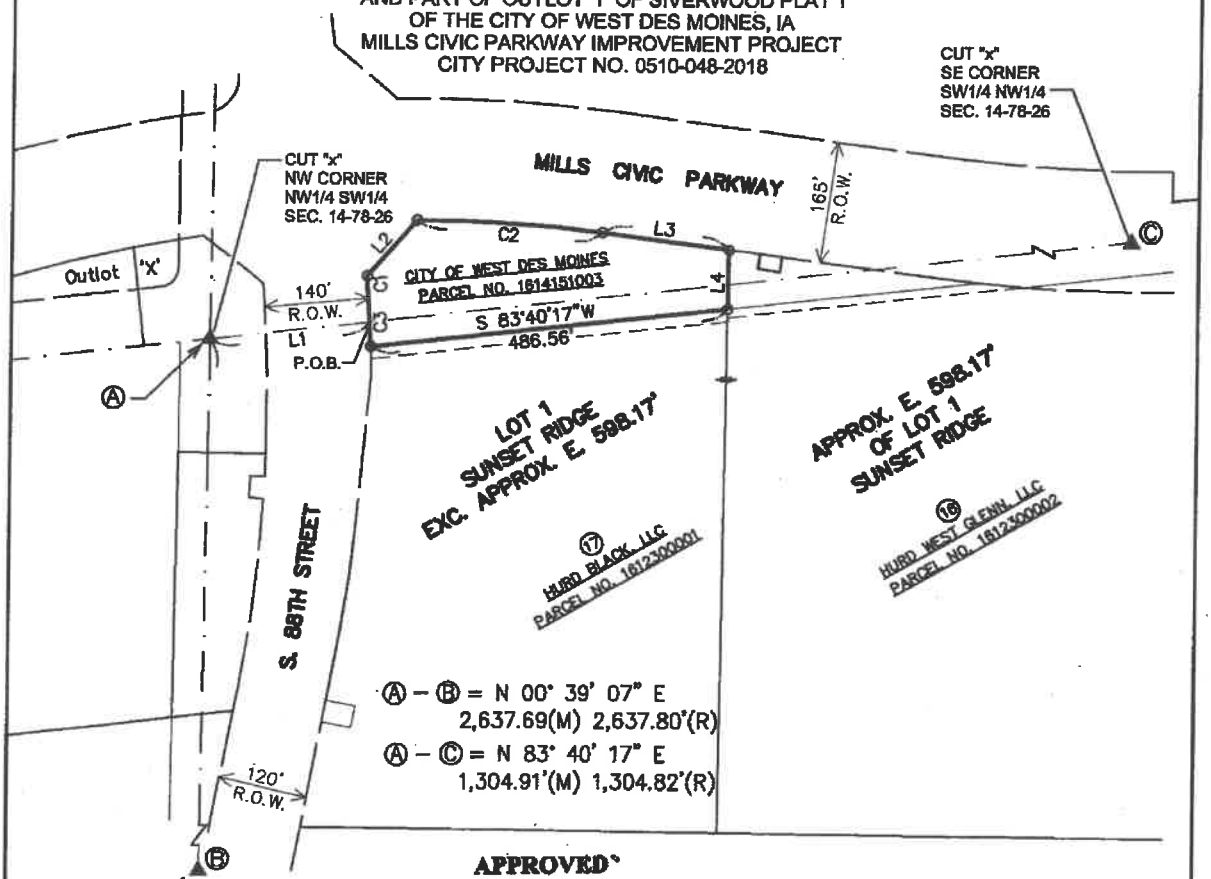
Index Legend	
City:	West Des Moines
County:	Dallas County
Parcel ID:	Existing Right-of-way
Description:	Part of NE 1/4 SE 1/4, Sec. 15 – T78N – R26W & Part of NW 1/4 SW 1/4, Sec. 14 – T78N – R26W
Proprietor:	City of West Des Moines, Iowa
Surveyor:	Micheal G. Semke
Company:	Howard R. Green Company
Return To:	5525 Merle Hay Road, Suite 200 Johnston, IA 50131 | (515) 278-2913

Doc ID: 007884210002 Type: CL-SURPL
Recorded: 10/23/2019 at 08:17:24 AM
Fee Amt: $12.00 Page 1 of 2
Dallas County Iowa
Chad C. Airhart RECORDER
File#
BK 2019 PG 20034

PLAT of SURVEY

PARCEL 19–34

PART OF THE NORTH 33 FEET OF THE NW 1/4 OF THE SW 1/4
OF SECTION, 14, T78N, R26W OF THE 5TH P.M., DALLAS COUNTY, IA
AND PART OF OUTLOT 'T' OF SIVERWOOD PLAT 1
OF THE CITY OF WEST DES MOINES, IA
MILLS CIVIC PARKWAY IMPROVEMENT PROJECT
CITY PROJECT NO. 0510-048-2018



APPROVED
THE CITY OF WEST DES MOINES
APPROVED

LEGEND

- ▲ FOUND SECTION CORNER MONUMENT
- △ SET SECTION CORNER MONUMENT
- ● MONUMENT FOUND 1/2" ROD WITH YELLOW CAP #7814 UNLESS NOTED
- ○ 1/2" RE-ROD WITH YELLOW CAP #10318 TO BE SET AFTER CONSTRUCTION
- (M) MEASURED DIMENSION
- (R) RECORDED DIMENSION
- I.R. IRON ROD
- I.P. IRON PIPE
- SECTION LINE
- RIGHT-OF-WAY LINE
- EXISTING LOT LINE
- PROPERTY LINE

PROFESSIONAL LAND SURVEYOR
MICHEAL G. SEMKE
10318
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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Micheal G. Semke 5/17/19
SIGNATURE DATE
MICHEAL G. SEMKE, P.L.S. NO. 10318
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.
THIS CERTIFICATION COVERS THIS SHEET ONLY.

SURVEY FOR:
CITY OF WEST DES MOINES
4200 MILLS CIVIC PKWY
WEST DES MOINES, IA 50265
PHONE: (515) 222-3475

HRGreen

CHORD
HOWARD R. GREEN COMPANY
5525 MERLE HAY ROAD
SUITE 200
JOHNSTON, IA 50131
PHONE: (515) 278-2913
FAX: (515) 278-1846

SHEET
1 OF 2

FILE: REMNANT\HURDWEST.DWG

PLAT of SURVEY

PARCEL 19–34

PART OF THE NORTH 33 FEET OF THE NW 1/4 OF THE SW 1/4
OF SECTION, 14, T78N, R26W OF THE 5TH P.M., DALLAS COUNTY, IA
AND PART OF OUTLOT 'T' OF SIVERWOOD PLAT 1
OF THE CITY OF WEST DES MOINES, IA
MILLS CIVIC PARKWAY IMPROVEMENT PROJECT
CITY PROJECT NO. 0510-048-2018

PROPERTY OWNER:

CITY OF WEST DES MOINES
4200 MILLS CIVEIC PKWY.
WEST DES MOINES, IA 50265

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M AND PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., ALL IN DALLAS COUNTY, IOWA A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of Section 14, Township 78 North, Range 26 West of the 5th P.M., Dallas County, Iowa; thence North 83° 40' 17" East along the North line of said Southwest Quarter, 215.98 feet to the POINT OF BEGINNING said point being on the Right–of–way line of South 88th Street and Mills Civic Parkway; said point being the beginning of a non–tangent curve, concave to the West, having a radius of 2075.00 feet, a central angle of 01° 45' 09", and a chord of 63.46 feet bearing North 03° 43' 43" West; thence Northerly along said curve, a distance of 63.47 feet; thence North 41° 33' 45" East, 101.90 feet to the point of curvature of a non–tangent curve, concave to the South, having a radius of 1917.50 feet, a central angle of 07° 31' 35", and a chord of 251.70 feet bearing South 86° 21' 02" East; thence Easterly along said curve, a distance of 251.88 feet; thence South 82° 35' 14" East, 172.68 feet; thence South 00° 39' 28" West, 80.70 feet; thence South 83° 40' 17" West, 486.56 feet to the point of curvature of a non–tangent curve, concave to the West, having a radius of 2075.00 feet, a central angle of 00° 54' 48", and a chord of 33.08 feet bearing North 02° 23' 44" West; thence Northerly along said curve, a distance of 33.08 feet to the POINT OF BEGINNING containing 1.439 acres subject to easements apparent or of record.

The above described parcel shall hereafter be known as Parcel 19–34 a part of the Southwest Quarter and the Northwest Quarter in Section 14, Township 78 North, Range 26 West of the 5th P.M., Dallas County, Iowa.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	BEARING
C 1	01°45'09"	2075.00'	63.47'	31.74'	63.46'	N 03°43'43"W
C 2	07°31'35"	1917.50'	251.88'	126.12'	251.70'	S 86°21'02"E
C 3	00°54'48"	2075.00'	33.08'	16.54'	33.08'	N 02°23'44"W

LINE	BEARING	DISTANCE
L 1	N 83°40'17"E	215.98'
L 2	N 41°33'45"E	101.90'
L 3	S 82°35'14"E	172.68'
L 4	S 00°39'28"W	80.70'

PROFESSIONAL LAND SURVEYOR
MICHEAL G. SEMKE
10318
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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Micheal G. Semke 5/17/19
SIGNATURE DATE

MICHEAL G. SEMKE, P.L.S. NO. 10318
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.
THIS CERTIFICATION COVERS THIS SHEET ONLY.

SURVEY FOR:
CITY OF WEST DES MOINES
4200 MILLS CIVIC PKWY
WEST DES MOINES, IA 50265
PHONE: (515) 222-3475

HRGreen

HOWARD R. GREEN COMPANY
5525 MERLE HAY ROAD
SUITE 200
JOHNSTON, IA 50131
PHONE: (515) 278-2913
FAX: (515) 278-1846

SHEET
2 OF 2

ANSI PL. NOS. APPROVED: CP JOB NUMBER: 52527011 CAD DATE: 05/09/2019 CAD FILE: REMNANT\HURDWEST.DWG

Prepared by/Return to: R.J. Scieszinski, P.O. Box 65320, West Des Moines IA 50265-0320; 515-222-3614
Address Tax Statements: Hurd West Glen, LLC, 2000 Fuller Road, West 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, the **City of West Des Moines**, a municipal corporation organized under the laws of the State of Iowa ("Grantor") does hereby quitclaim to **Hurd West Glen, LLC,** an Iowa limited liability company ("Grantee") all its right, title, interest, estate, claim and demand in the following described real estate in Dallas County, Iowa:

As legally-described and shown on the Plat of Survey labeled Parcel 19-35, recorded in Book 2019, Page 20035 and filed October 23, 2019 in the Office of the Dallas County, Iowa Recorder, subject to any and all easements of record.

Dated this ____ day of February, 2020.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS
COUNTY OF _____)

On this _____ day of _____, 2020, before me a Notary Public in and for said County, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively of the City of West Des Moines, Iowa, a municipal corporation, created and existing under the laws of the State of Iowa and that said record was signed on behalf of said municipal corporation by authority and resolution of its City Council as contained in Resolution No. _____ approved on the 17th day of February, 2020 and said Mayor and City Clerk acknowledged said record to be the free act and deed of said municipal corporation by it voluntarily executed.

_____
Notary Public

This deed is exempt from transfer tax pursuant to Iowa Code Section 428A.2(6).

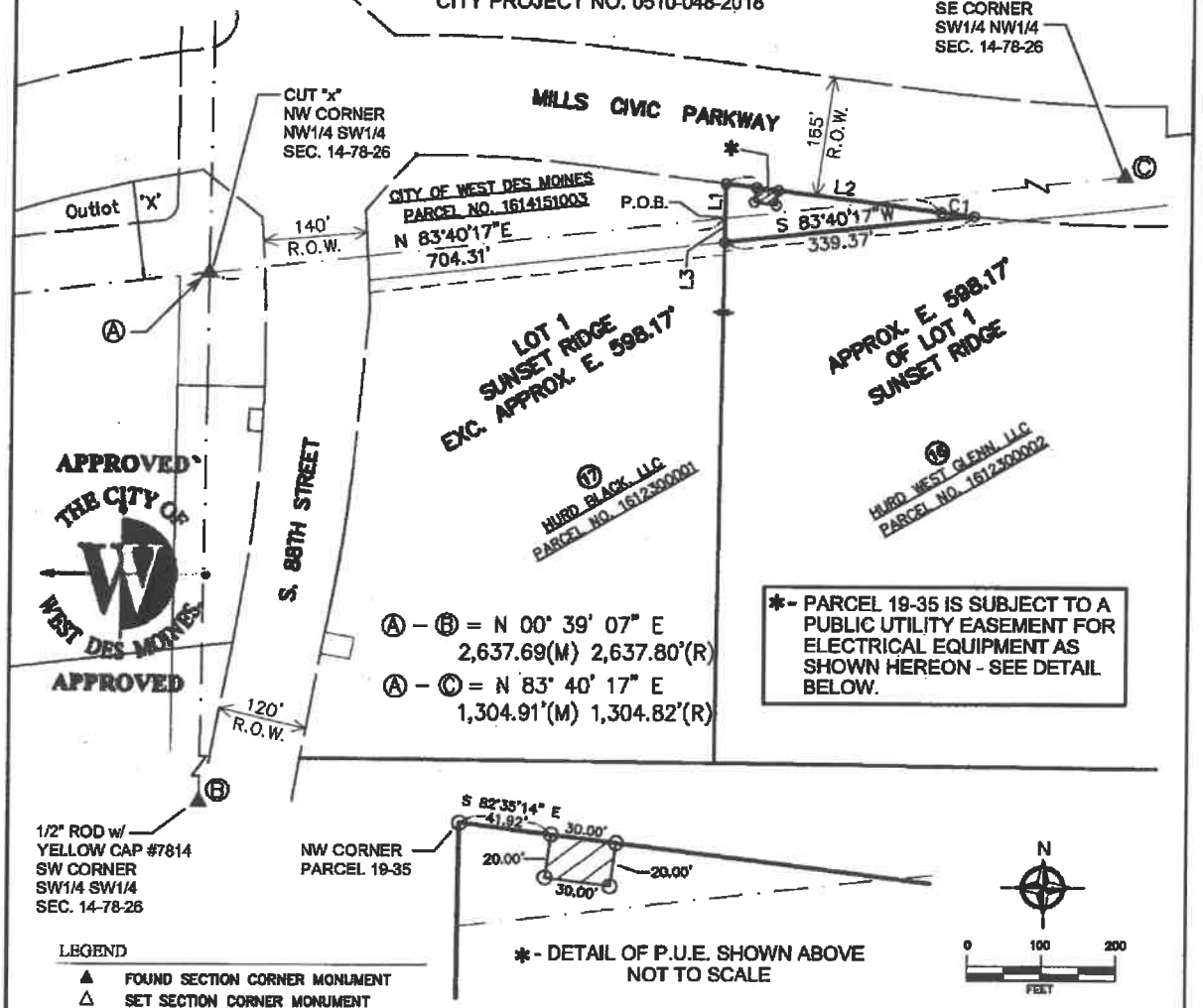
Index Legend	
City:	West Des Moines
County:	Dallas County
Parcel ID:	Existing Right-of-way
Description:	Part of NE 1/4 SE 1/4, Sec. 15 – T78N – R26W & Part of NW 1/4 SW 1/4, Sec. 14 – T78N – R26W
Proprietor:	City of West Des Moines, Iowa
Surveyor:	Micheal G. Semke
Company:	Howard R. Green Company
Return To:	5525 Merle Hay Road, Suite 200 Johnston, IA 50131 | (515) 278-2913

Doc ID: 007884220002 Type: CL-SURPL
Recorded: 10/23/2019 at 08:17:41 AM
Fee Amt: $12.00 Page 1 of 2
Dallas County Iowa
Chad C. Airhart RECORDER
File#
BK 2019 PG 20035

PLAT of SURVEY

PARCEL 19–35

PART OF THE NORTH 33 FEET OF THE NW 1/4 OF THE SW 1/4
OF SECTION, 14, T78N, R26W OF THE 5TH P.M., DALLAS COUNTY, IA
AND PART OF OUTLOT 'T' OF SIVERWOOD PLAT 1
OF THE CITY OF WEST DES MOINES, IA
MILLS CIVIC PARKWAY IMPROVEMENT PROJECT
CITY PROJECT NO. 0510-048-2018



*- PARCEL 19-35 IS SUBJECT TO A PUBLIC UTILITY EASEMENT FOR ELECTRICAL EQUIPMENT AS SHOWN HEREON - SEE DETAIL BELOW.

*- DETAIL OF P.U.E. SHOWN ABOVE
NOT TO SCALE

LEGEND

- ▲ FOUND SECTION CORNER MONUMENT
- △ SET SECTION CORNER MONUMENT
- ● MONUMENT FOUND 1/2" ROD WITH YELLOW CAP #7814 UNLESS NOTED
- O 1/2" RE-ROD WITH YELLOW CAP #10318 TO BE SET AFTER CONSTRUCTION
- (M) MEASURED DIMENSION
- (R) RECORDED DIMENSION
- I.R. IRON ROD
- I.P. IRON PIPE
- SECTION LINE
- RIGHT-OF-WAY LINE
- EXISTING LOT LINE
- PROPERTY LINE

PROFESSIONAL LAND SURVEYOR
MICHEAL G. SEMKE
10318
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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Micheal G. Semke 5/17/19
SIGNATURE DATE

MICHEAL G. SEMKE, P.L.S. NO. 10318
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.
THIS CERTIFICATION COVERS THIS SHEET ONLY.

SURVEY FOR:
CITY OF WEST DES MOINES
4200 MILLS CIVIC PKWY
WEST DES MOINES, IA 50265
PHONE: (515) 222-3475

HRGreen

HOWARD R. GREEN COMPANY
5525 MERLE HAY ROAD
SUITE 200
JOHNSTON, IA 50131
PHONE: (515) 278-2913
FAX: (515) 278-1846

SHEET
1 OF 2

FILE: REMNANT\HURDWEST.DWG

PLAT of SURVEY

PARCEL 19–35

PART OF THE NORTH 33 FEET OF THE NW 1/4 OF THE SW 1/4
OF SECTION, 14, T78N, R26W OF THE 5TH P.M., DALLAS COUNTY, IA
AND PART OF OUTLOT 'T' OF SIVERWOOD PLAT 1
OF THE CITY OF WEST DES MOINES, IA
MILLS CIVIC PARKWAY IMPROVEMENT PROJECT
CITY PROJECT NO. 0510-048-2018

PROPERTY OWNER:

CITY OF WEST DES MOINES
4200 MILLS CIVEIC PKWY.
WEST DES MOINES, IA 50265

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M AND PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., ALL IN DALLAS COUNTY, IOWA A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of Section 14, Township 78 North, Range 36 West of the 5th P.M., Dallas County, Iowa; thence North 83° 40' 17" East along the North line of said Southwest Quarter, 704.31 feet to the POINT OF BEGINNING; thence North 00° 39' 28" East, 47.45 feet to the Southerly Right–of–way of Mills Civic Parkway; thence South 82° 35' 14" East, 294.66 feet along said line to the point of curvature of a tangent curve, concave to the North, having a radius of 2082.50 feet and a central angle of 01° 13' 27"; thence Easterly along said curve, a distance of 44.49 feet; thence South 83° 40' 17" West, 339.37 feet; thence North 00° 39' 28" East, 33.25 feet to the POINT OF BEGINNING containing 0.310 acre subject to easements apparent or of record.

The above described parcel shall hereafter be known as Parcel 19–35 a part of the Southwest Quarter and the Northwest Quarter in Section 14, Township 78 North, Range 26 West of the 5th P.M., Dallas County, Iowa.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	01°13'27"	2082.50'	44.49'	22.24'	44.49'	S83°11'58" E

LINE	BEARING	DISTANCE
L 1	N 00°39'28"E	47.45'
L 2	S 82°35'14"E	294.66'
L 3	N 00°39'28"E	33.25'

PROFESSIONAL LAND SURVEYOR
MICHEAL G. SEMKE
10318
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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Micheal G. Semke 5/17/19

SIGNATURE DATE

MICHEAL G. SEMKE, P.L.S. NO. 10318
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.
THIS CERTIFICATION COVERS THIS SHEET ONLY.

SURVEY FOR:
CITY OF WEST DES MOINES
4200 MILLS CIVIC PKWY
WEST DES MOINES, IA 50265
PHONE: (515) 222-3475

HRGreen

HOWARD R. GREEN COMPANY
5525 MERLE HAY ROAD
SUITE 200
JOHNSTON, IA 50131
PHONE: (515) 278-2913
FAX: (515) 278-1846

SHEET
2 OF 2

CAD FILE: REMNANT\HURDWEST.DWG