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 City of Waukee

FINANCIAL IMPACT: None at this time

SYNOPSIS: On November 4, 2019, the West Des Moines City Council approved Plats-of-Survey (POS 002-Cl, POS 002-C2, and POS 002-C3) to create three parcels for transfer of ownership from the City of West Des Moines to the City of Waukee. The property was acquired by the City of West Des Moines as part of the Alice's Road/105th Street and Interstate 80 overpass and interchange projects, WDM Project Nos. 0510-031-2007 and 0510-015-2008. Pursuant to an agreement, West Des Moines agreed to convey any property within Waukee corporate limits to the City of Waukee following completion of the Project. The attached Resolution authorizes the conveyance of the property to the City of Waukee at no cost.

RECOMMENDATION: Approve the Resolution and supporting documents conveying property to the City of Waukee

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
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			

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 CITY OF WAUKEE

WHEREAS, the City of West Des Moines, Iowa is the owner of property located along the Grand Prairie Parkway and 1-80 Interchange, Waukee, to the City of Waukee, which was acquired for construction of the Alice's Road/105th Street and Interstate 80 overpass and interchange projects, Project Nos. 0510-031-2007 and 0510-015-2008; and

WHEREAS, pursuant to an agreement, West Des Moines agreed to convey any property within Waukee corporate limits to the City of Waukee following completion of the Projects; and

WHEREAS, Waukee has agreed to be responsible for maintenance of the Property in exchange for conveyance of the Property; and

WHEREAS, on November 4, 2019, the West Des Moines City Council approved Plats-of-Survey (POS 002-C1, POS 002-C2, and POS 002-C3) to create three parcels for transfer of ownership from the City to the City of Waukee; 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 Plats of Survey labeled Exhibits 002-C1, 002-C2, and 002-C3, as recorded in Book 2019, Pages 24199, 24200 and 24201, respectively, and filed on December 13, 2019, 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 City of Waukee 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 Plats of Survey labeled Exhibits 002-C1, 002-C2, and 002-C3, as recorded in Book 2019, Pages 24199, 24200 and 24201, respectively, and filed on December 13, 2019 has been properly made.

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

3. Conveyance of Parcels labeled Exhibits 002-C1, 002-C2, and 002-C3, as recorded in Book 2019, Pages 24199, 24200 and 24201, respectively, and filed on December 13, 2019, to the City of Waukee, 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 17th day of February, 2020.

_____
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/Address Tax Statements: City of Waukee, City Clerk, 230 W. Hickman Road, Waukee, IA 50263 (515) 978-7900

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 **City of Waukee**, a municipal corporation organized under the laws of the State of Iowa ("Grantee"), all its right, title, interest, estate, claim and demand in the following described real estate in **Dallas** County, Iowa:

> As shown on the Plats of Survey labeled Exhibits 002-C1, 002-C2, and 002-C3, as recorded in Book 2019, Pages 24199, 24200 and 24201, respectively, on December 13, 2019 in the Office of the Dallas County, Iowa Recorder.

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 _____, 2020.

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 _____ 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. _____, passed on the ____ day of _____, 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, State of Iowa

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