CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **November 18, 2024**

ITEM: Resolution – Opening and Closing Public Hearing and Approving Conveyance of Excess Property to Cathy and Carey Ross

FINANCIAL IMPACT: None.

SYNOPSIS: The City is owner of a small parcel (189 square feet) of property generally located north of 803 S 93rd Street, which was originally obtained by the City as a public street with Michaels Landing Plat 1 in 2007. Due to its size and location, it is unusable as stand-alone parcel, with the maintenance cost to the City exceeding its actual value. Cathy and Carey Ross have indicated interest in obtaining the parcel, which, as an adjacent property owner, is consistent with the City property disposition policy. An executed Lot Tie Agreement is requested from the Ross's to tie the vacated property to their lot.

OUTSTANDING ISSUES: This conveyance is subject to approval of Ordinance Vacating the Public Right-of-Way, which is set for approval at this same meeting.

RECOMMENDATION: Approve the Resolution conveying at no cost the property legally described on the attached **Exhibit "A"** to Cathy and Carey Ross

Lead Staff Member: Brian Hemesath, P.E., City Engineer

STAFF REVIEWS

Department Director	Greta Truman, City Attorney
Appropriations/Finance	Brian J. Hemesath, P.E., City Engineer
Legal	Tim Stiles, Finance Director
Agenda Acceptance	Ryan T. Jacobson, City Clerk

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	October 31, 2024

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

RESOLUTION NO. _____

RESOLUTION OPENING AND CLOSING PUBLIC HEARING AND APPROVING CONVEYANCE OF PROPERTY TO CATHY AND CAREY ROSS

WHEREAS, the City of West Des Moines, Iowa has vacated as public right-of-way a portion of Cascade Avenue legally described on the attached **Exhibit "A"**; and

WHEREAS, this Property is no longer needed by the City; 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, Cathy and Carey Ross, as adjacent owners, have indicated their interest in obtaining the property; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice regarding 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, legally described on the attached **Exhibit "A"**, at no cost to Cathy and Carey Ross 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 on the attached **Exhibit "A"** has been properly made.

2. The public hearing regarding conveyance of the above legally-described Property is closed and conveyance of the property legally described on the attached **Exhibit "A"** is hereby closed.

3. Conveyance by Quit Claim Deed of the legally-described Property to Cathy and Carey Ross is hereby approved.

4. The Mayor is authorized to sign the Quit Claim Deed 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 by the Grantee(s) as appropriate.

PASSED AND ADOPTED this **18th** day of **November, 2024**.

Russ Trimble, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

Exhibit "A"

A PART OF STREET LOT 'D', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 15, WOODLAND HILLS OF WEST DES MOINES PLAT 1, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE NORTH 00°34'21" EAST ALONG THE WEST LINE OF SAID CORRECTED MICHAEL'S LANDING PLAT 1, A DISTANCE OF 15.17 FEET; THENCE NORTH 82°08'48" EAST, 3.25 FEET; THENCE SOUTH 55°55'49" EAST, 22.14 FEET TO THE NORTH LINE OF SAID LOT 15; THENCE WESTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1550.00 FEET, WHOSE ARC LENGTH IS 21.94 FEET AND WHOSE CHORD BEARS SOUTH 81°35'19" WEST, 21.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 189 SQUARE FEET.

Prepared by: Jessica Grove, Deputy City Attorney, PO Box 65320, West Des Moines, IA 50265 (515) 222-3474
Address Tax Statements/Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265 (515) 222-3600

SPACE ABOVE THIS LINE FOR RECORDER

QUIT CLAIM DEED

For the consideration of One Dollar ($1.00) and other valuable consideration, **City of West Des Moines**, a municipal corporation organized under the laws of the State of Iowa ("Grantor") does hereby Quit Claim to, **Cathy L. Ross and Carey A. Ross, a married couple**, ("Grantee") all its right, title, interest, estate, claim and demand in the following described real estate in **Dallas** County, Iowa:

> The vacated part of Cascade Avenue, West Des Moines, Iowa as shown on West Des Moines City Council Ordinance No. _____ recorded in Book 2024, Page _____, on November _____, 2024, described on the attached **Exhibit "A"**, subject to any and all easements of record.
>
> This deed is exempt from transfer tax pursuant to Iowa Code Section 428A.2(6).
>
> There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.

Signatures on Next Page

Dated this ____ day of _____, 2024.

CITY OF WEST DES MOINES,
an Iowa municipal corporation

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF POLK)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared **Russ Trimble 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 Roll Call No._____, approved on the _____ day of _____, 2024, 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

Exhibit "A"

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Exhibit "A"

RIGHT-OF-WAY VACATION PLAT

DATE OF SURVEY
DECEMBER 18, 2023

RIGHT-OF-WAY VACATION DESCRIPTION

A PART OF STREET LOT 'D', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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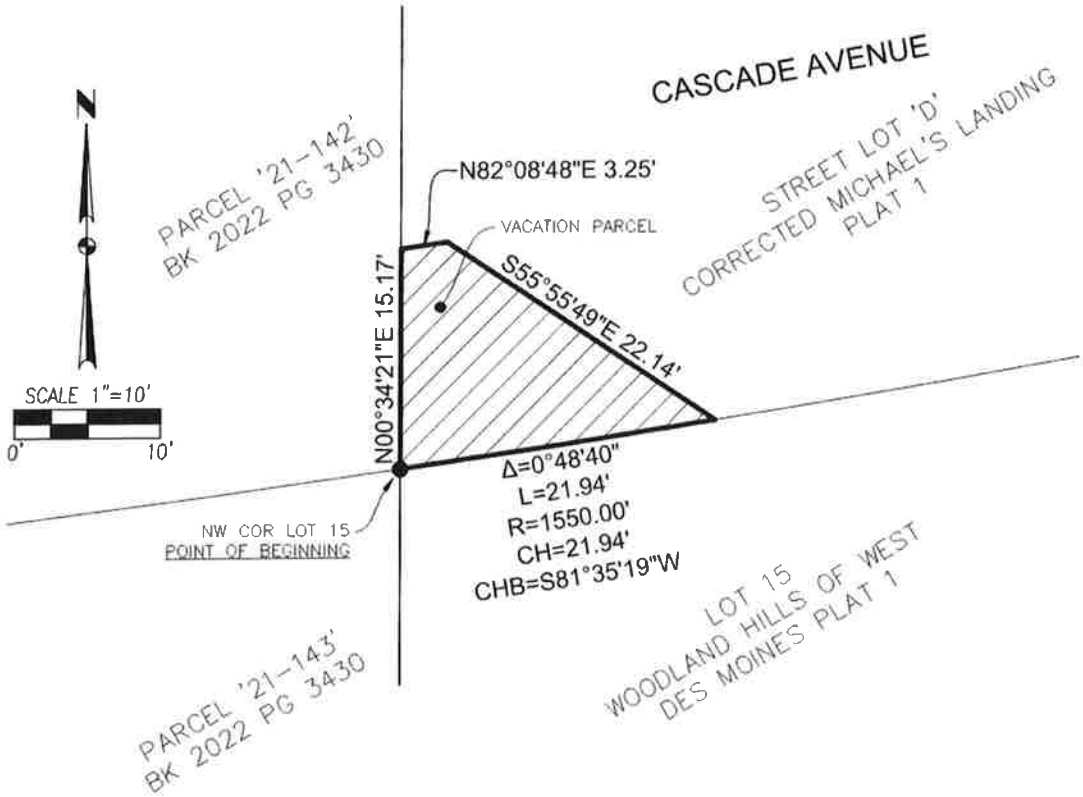

LEGEND	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW PLASTIC CAP#15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		

FILE: H:\2021\2110857\DWG\2110857-ROW VACATION.DWG
FILE DATE: 12/18/23 DATE PLOTTED: 12/18/2023 11:21 AM
PLOTTED BY: CARTER YOUNGBLOOD:

1/1
2110.857

CASCADE AVENUE
R.O.W. VACATION PLAT
WEST DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE

4121 NW URBANDALE DRIVE
URBANDALE, IA 50322
PH: (515) 369-4400