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Doc ID: 023290150004 Type: GEN
Recorded: 02/24/2010 at 11:08:37 AM
Fee Amt: \$70.60 Page 1 of 4
Revenue Tax: \$41.60
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2010-00063434

BK **13365** PG **718-721**

Prepared by: David Bagby, Real Estate Coordinator for the City of Des Moines, Buyer, (515) 283-4527
Return to: Real Estate Division, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, IA 50309-1891
Address Tax Statements to: Boston Commons Limited Company, 3101 Ingersoll Avenue, Des Moines, IA 50312-3918

Project Name: Merle Hay Road / Urbandale Ave. Intersection Improvements
Property Address: 3100 Merle Hay Road, Des Moines, IA 50310
IDOT Project No.: HSIPX-28-2(39)--3L-77

Parcel No.: 006
Activity ID: 32-2009-093

WARRANTY DEED

That Boston Commons Limited Company, an Iowa limited liability company, in consideration of the sum of **Twenty-Six Thousand, Three Hundred Eighty-nine and No/100 Dollars (\$26,389.00)** in hand paid does hereby CONVEY unto the State of Iowa for the benefit and use of the Iowa Department of Transportation through its authorized agent, the City of Des Moines, Iowa, 400 Robert D. Ray Drive, Des Moines, Iowa, the following described real estate situated in Polk County, Iowa, to-wit:

A PART OF LOTS 154 & 155, CLOVER ACRES, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 155; THENCE NORTH 89°(DEGREES)49'(MINUTES)10"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOT 155, A DISTANCE OF 24.48 FEET; THENCE NORTH 59°19'14" EAST, 14.54 FEET; THENCE NORTH 0°09'58" EAST, 188.61 FEET; THENCE SOUTH 89°54'50" EAST ALONG THE NORTH LINE OF SAID LOT 154, A DISTANCE OF 12.00 FEET; THENCE SOUTH 0°09'58" WEST ALONG THE EAST LINE OF SAID LOTS 154 & 155, A DISTANCE OF 196.09 FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 2,399 SQUARE FEET.

The Environmental Representations and Warranties contained in the Offer to Purchase Real Estate and Acceptance shall survive the execution of this deed.

(Exempt from filing Declaration of Value under Paragraph 14)

And the grantors do **Hereby Covenant** with the said grantees, and successors in interest, that said grantors hold said real estate by title in fee simple; that they have good and lawful authority to sell and convey the same; that said premises are **Free and Clear of all Liens and Encumbrances Whatsoever** except as may be above stated; and said grantors **Covenant to Warrant and Defend** the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the described premises.

This acquisition is for public purposes through eminent domain and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Signed this 21 day of SEPTEMBER, 2009.

BOSTON COMMONS LIMITED COMPANY

By: [Signature]
Ronald L. Daniels, Manager

State of IOWA)
County of Polk) ss

This instrument was acknowledged before me on SEPTEMBER 21, 2009, by RONALD L. DANIELS as MANAGER of Boston Commons Limited Company.

[Signature]
Notary Public in and for the State of IOWA
TIMOTHY C. HOGAN
Commission Number 160432
My Commission Expires
May 2, 2012

APPROVED AS TO FORM:

[Signature]
Glenna K. Frank, Assistant City Attorney

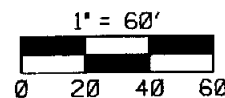
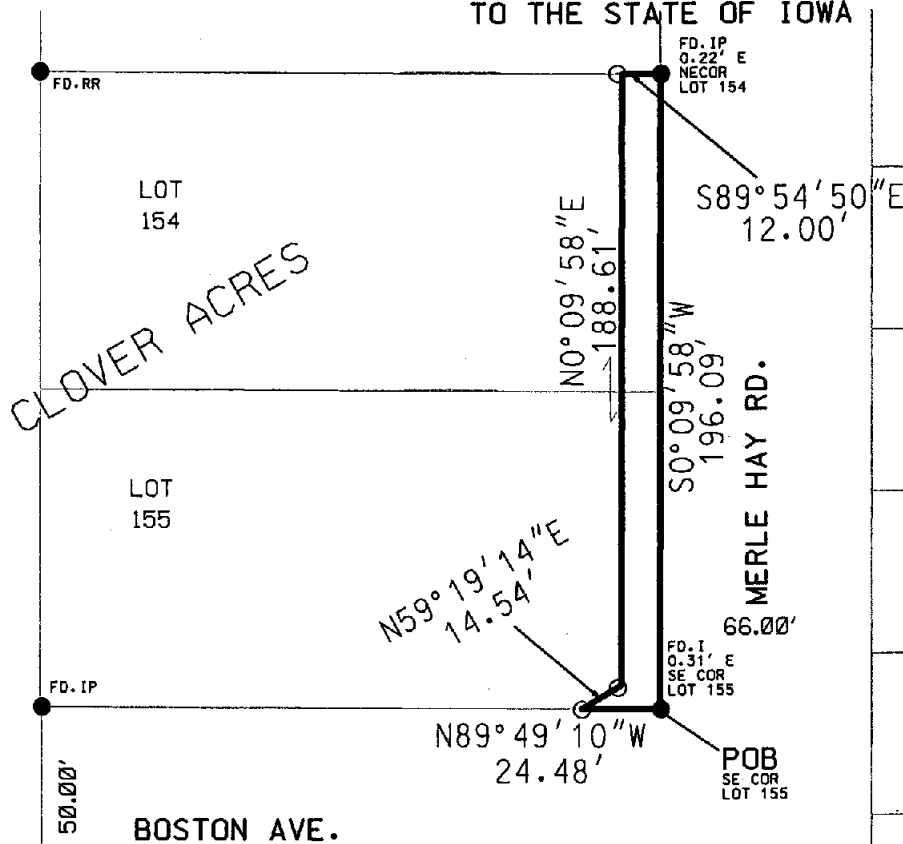
I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, do hereby certify that the within and foregoing Deed was duly approved and accepted by the City Council of said City of Des Moines, by Resolution and Roll Call No. 09-454, passed on the 23rd day of March, 2009, and this certificate is made pursuant to authority contained in said Resolution.

Signed this 23rd day of March, 2009.

[Signature]
Diane Rauh
City Clerk of the City of Des Moines, Iowa

ACQUISITION PLAT

OF PROPERTY BEING CONVEYED
TO THE STATE OF IOWA



DSM GRID
NORTH

LEGEND

- MONUMENT FOUND. ALL CAPS
YELLOW UNLESS OTHERWISE NOTED
- SET 5/8" RR W/YELLOW
CAP #13975

ADDRESS: 3100 MERLE HAY ROAD
DES MOINES, IOWA

OWNER: BOSTON COMMONS LTD. CO. & TIRES PLUS GROUPE LTD

TAX PARCEL NO.: 100/02974-001-000

LEGAL DESCRIPTION: FEE SIMPLE INTEREST

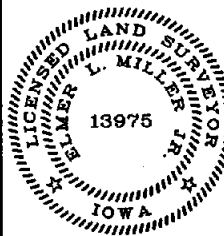
A PART OF LOTS 154 & 155, CLOVER ACRES, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 155; THENCE NORTH 89°(DEGREES)49'(MINUTES)10"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOT 155, A DISTANCE OF 24.48 FEET; THENCE NORTH 59°19'14" EAST, 14.54 FEET; THENCE NORTH 0°09'58" EAST, 188.61 FEET; THENCE SOUTH 89°54'50" EAST ALONG THE NORTH LINE OF SAID LOT 154, A DISTANCE OF 12.00 FEET; THENCE SOUTH 0°09'58" WEST ALONG THE EAST LINE OF SAID LOTS 154 & 155, A DISTANCE OF 196.09 FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
BY SURVEY 2,399 SQUARE FEET.

MERLE HAY ROAD WIDENING AT URBANDALE AVE.

ACTIVITY ID 06-2008-006

R.O.W. 6-1-3

3-2-09 SMI, PT-6.

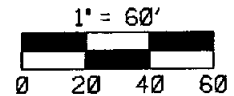
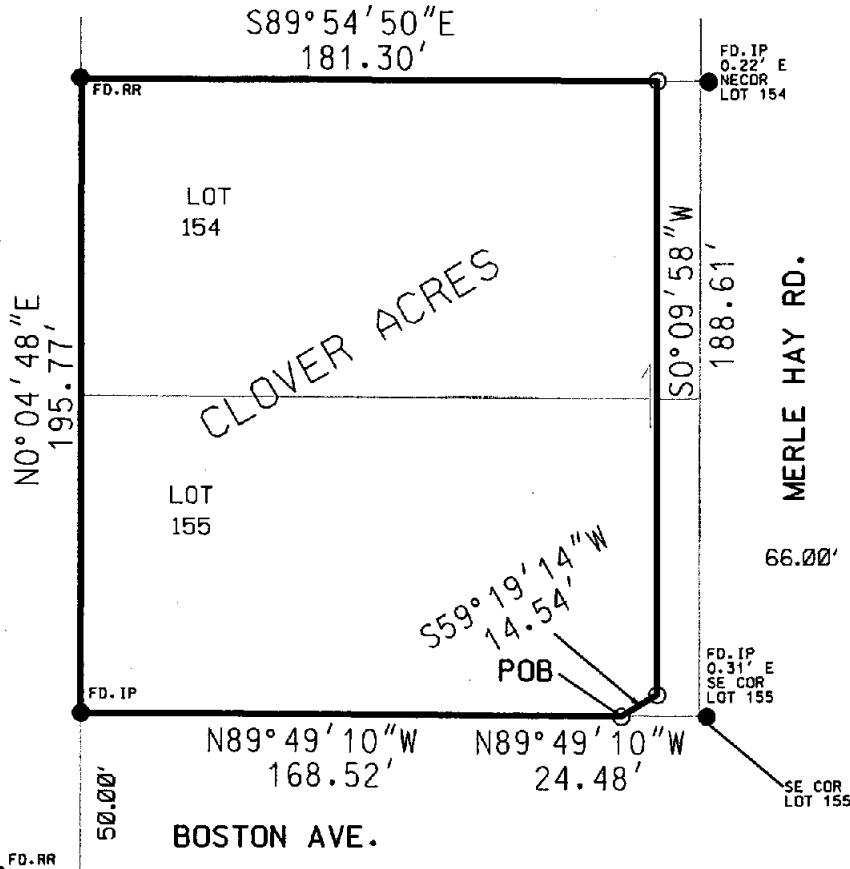


I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Elmer L. Miller, Jr. 3-25-09
ELMER L. MILLER JR., IOWA LICENSE NO. 13975, DATE
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2010

DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA (515) 283-4931	
PT-6	
EXHIBIT	
Rev/By	

PLAT OF SURVEY OF REMAINDER PARCEL



LEGEND

- MONUMENT FOUND, ALL CAPS YELLOW UNLESS OTHERWISE NOTED
- SET 5/8" RR W/YELLOW CAP #13975

ADDRESS: 3100 MERLE HAY ROAD
DES MOINES, IOWA

OWNER: BOSTON COMMONS LTD. CO. & TIRES PLUS GROUPE LTD

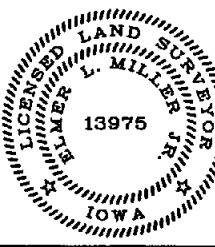
TAX PARCEL NO.: 100/02974-001-000

LEGAL DESCRIPTION: REMAINDER PARCEL

A PART OF LOTS 154 & 155, CLOVER ACRES, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF SAID LOT 155; THENCE NORTH 89°(DEGREES)49'(MINUTES)10"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOT 155, A DISTANCE OF 24.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°49'10" WEST ALONG THE SOUTH LINE OF SAID LOT 155, A DISTANCE OF 168.52 FEET; THENCE NORTH 0°04'48" EAST ALONG THE WEST LINE OF SAID LOTS 155 & 154, A DISTANCE OF 195.77 FEET; THENCE SOUTH 89°54'50" EAST ALONG THE NORTH LINE OF SAID LOT 154, A DISTANCE OF 181.30 FEET; THENCE SOUTH 0°09'58" WEST, 188.61 FEET; THENCE SOUTH 59°19'14" WEST, 14.54 FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY ELMER L. MILLER, JR. LICENSED SURVEYOR NO. 13975. ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 35,444 SQUARE FEET.

MERLE HAY ROAD WIDENING AT URBANDALE AVE.
ACTIVITY ID 06-2008-006

3-2-09 SMI, RP-6.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Elmer L. Miller Jr. 3-25-09
ELMER L. MILLER JR., IOWA LICENSE NO. 13975, DATE
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2010

DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA (515) 283-4931	
RP-6	
EXHIBIT	
Rev/By	