

0245



Doc ID: 033114790012 Type: GEN  
Kind: QUIT CLAIM DEED  
Recorded: 06/28/2018 at 12:40:50 PM  
Fee Amt: \$67.00 Page 1 of 12  
Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2017-00101692  
BK 16980 PG 895-906

**RETURN TO:** Prepared by: David DeForest Colvig, Real Estate Coordinator, City of Des Moines, (515) 283-4984  
Return to: Real Estate Division, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, IA 50309-1891  
Taxpayer: 14 Walnut, LLC, 1964 West Wayzata Blvd, Suite 200, Long Lake, MN 55356  
Title of Document: Quit Claim Deed  
Grantor's Name: City of Des Moines, Iowa  
Grantee's Name: 14 Walnut, LLC  
Legal Description: See below on this page.

Project: Disposition – No Acquisition Project Parcel No.: 491 Activity ID: 341111000

### QUIT CLAIM DEED AND RESERVATION OF EASEMENTS

**KNOW ALL MEN BY THESE PRESENTS:**

That the CITY OF DES MOINES, IOWA, a municipal corporation of the County of Polk, the State of Iowa (herein City), in consideration of the total sum of One Thousand Dollars (\$1,000.00), receipt of which is hereby acknowledged, does hereby QUIT CLAIM unto 14 Walnut LLC, a Delaware limited liability company (herein "Grantee"), all its right, title and interest in and to the following described premises ("Property"), situated in Polk County, State of Iowa, to-wit:

ALL OF THE VACATED 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 16°02'13" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET, 133.42 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 30.00 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 15°50'11" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 133.38 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE NORTH 74°11'27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

Subject to any and all easements, restrictions, and covenants of record.

The City **HEREBY RESERVES** a permanent easement upon, over and within the Property for the continued use and maintenance of and the right of access to any existing utilities now in place therein, with the right of entry for servicing same. This reservation of easement shall run with the land and shall remain binding upon the Grantees and Grantees' successors in interest and assigns, until such time as said utilities are abandoned or relocated at the sole expense of Grantees and/or Grantees' successors in interest and assigns, following written agreement with the City and/or applicable utility.

The City **HEREBY RESERVES A PERMANENT EASEMENT FOR PUBLIC INGRESS AND EGRESS** upon, over and across the Property to permit public ingress and egress for pedestrian and vehicular travel, subject to the following conditions:

1. **OBSTRUCTIONS PROHIBITED.** No structure shall be erected over or within the Easement Area without obtaining the prior written approval of the City Engineer.
2. **PLANTINGS.** The planting of trees and shrubs is prohibited within the Easement Area.
3. **CHANGE OF GRADE PROHIBITED.** No change in the grade, elevation or contour of any part of the Easement Area may be made without obtaining the prior written consent of the City Engineer.
4. **MAINTENANCE OF EASEMENT.** Grantee shall be solely responsible for maintaining the Easement Area in a safe and accessible condition for vehicular travel, including but not limited to snow and debris removal, and the continued maintenance and repair of the brick paved surface.
5. **RIGHT OF ACCESS.** The City of Des Moines, its agents, contractors, employees and assigns shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described, including, but not limited to, the right to remove any unauthorized obstructions, structures, plants, etc., placed or erected on the Easement Area.
6. **TERMS FOR RELEASE OF EASEMENT.** This reservation of easement shall run with the land and shall remain binding upon the Grantees and Grantees' successors in interest and assigns, until such time as all of the following occur:
  - a) Payment to City by Grantees and Grantees' successors in interest and assigns of the full Fair Market Value of the Property at the time of release, as determined by an independent appraisal hired by the City.
  - b) Written release of said no-build restriction by the City.
  - c) Relocation of all utilities off the Property by Grantees and Grantees' successors in interest and assigns at Grantee's sole expense.
  - d) Approval of a redevelopment plan by the City Council.

The City **HEREBY RESERVES A PERMANENT EASEMENT FOR BUILDING SETBACK** upon, over and across the Property subject to the following conditions:

Benefited Property:

THE FOLLOWING PARCELS, EXCEPT THE SOUTH 12 FEET THEREOF:  
LOTS 1 AND 2 IN BLOCK 39 IN JONATHAN LYON'S ADDITION TO FORT DES MOINES;

AND

ALL THAT PART OF VACATED WEST 14TH STREET WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 39 OF JONATHAN LYON'S ADDITION TO FORT DES MOINES, WHICH IS THE INTERSECTION OF THE WEST LINE OF VACATED WEST 14TH STREET WITH THE SOUTH LINE OF WALNUT STREET; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF VACATED WEST 14TH STREET, A DISTANCE OF 139.50 FEET TO THE NORTH LINE OF THE EAST AND WEST ALLEY SOUTH OF WALNUT STREET; THENCE EASTERLY ALONG THE NORTH LINE OF SAID ALLEY A DISTANCE OF 31.33 FEET TO THE EAST LINE OF SAID VACATED WEST 14TH STREET; THENCE NORTHEASTERLY ALONG THE EAST LINE OF SAID VACATED WEST 14TH STREET, A DISTANCE OF 33.84 FEET; THENCE NORTHERLY A DISTANCE OF 101.30 FEET TO THE SOUTH LINE OF WALNUT STREET; THENCE WESTERLY ALONG THE SOUTH LINE OF WALNUT STREET A DISTANCE OF 1.33 FEET TO THE POINT OF BEGINNING;

AND,

THE FOLLOWING PORTION OF LOT 2, KEENE & POINDEXTER'S O.P.:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 9.61 FEET; THENCE NORTHERLY A DISTANCE OF 32.45 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2 THAT IS 33.84 FEET NORTHEASTERLY FROM THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Burdened Property:

ALL OF THE VACATED 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 16°02'13" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET, 133.42 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 30.00 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 15°50'11" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 133.38 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE NORTH 74°11'27" EAST ALONG

SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

1. Any building hereafter constructed upon the Burdened Property shall maintain a minimum fifteen (15) foot separation from the east property line of the Benefited Property.
2. This Permanent Easement for Building Setback shall be deemed to run with the land and shall be binding upon the City of Des Moines, Iowa, and its successors and assigns in ownership of the Burdened Property, for the benefit of 14 Walnut, LLC, and its successors and assigns in ownership of the Benefited Property, and the City of Des Moines in its governmental capacity.
3. This Permanent Easement for Building Setback shall remain in full force and effect for the life of the existing building upon the Benefited Property. In the event the building upon the Benefited Property is ever destroyed by any means whatsoever, to such a degree that the estimated cost of the repairs necessary to restore the building to its condition prior to such destruction exceed 60% of the assessed value of the building prior to such destruction, then the Permanent Easement for Building Setback shall terminate with or without recorded release. In the event that Grantee abandons or no longer uses the Easement Area, then the Permanent Easement for Building Setback shall automatically terminate with or without recorded release.

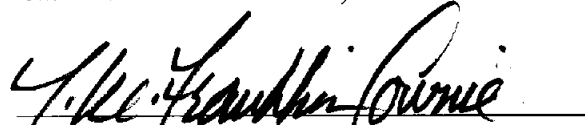
After either such termination, Grantee shall have ninety (90) days from the termination of the Easements to remove the improvements from the Easement Areas and to commence restoration thereof. If Grantee fails to remove the improvements as provided herein, they shall be deemed abandoned and the City may, at City's sole discretion, remove part of or all of the improvements from the Easement Areas at Grantee's or its successors' or assigns' cost.

4. No amendment to this Permanent Easement for Building Setback shall be effective without the prior written consent of the City of Des Moines.


No transfer tax due. Government grantor. Iowa Code § 428A.2(6)(2018).

Signed this 25<sup>th</sup> day of June, 2018.

CITY OF DES MOINES, IOWA

  
T. M. Franklin Cownie, Mayor

ATTEST:

  
Diane Rauh, City Clerk

APPROVED AS TO FORM:

  
Lisa A. Wieland, Assistant City Attorney

STATE OF IOWA )  
                                ) ss:  
COUNTY OF POLK )

On this 26<sup>th</sup> day of June, 2018, before me, the undersigned, a Notary Public, personally appeared T. M. Franklin Cownie and Diane Rauh, to me personally known, who, being by me duly sworn, did state that they are the Mayor and City Clerk, respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution and Roll Call No. 18 - 1107 adopted by the City Council on the 25<sup>th</sup> day of June, 2018, and that T. M. Franklin Cownie and Diane Rauh acknowledged the execution of the instrument to be the voluntary act and deed of the municipal corporation, by it voluntarily executed.

  
Notary Public in the State of Iowa



12  
CNG JK

# INDEX LEGEND

SURVEYOR'S NAME / RETURN TO:  
ERIN D. GRIFFIN  
SNYDER & ASSOCIATES, INC.  
2727 SW SNYDER BOULEVARD  
ANKENY, IOWA 50023  
515-964-2020  
egriffin@snyder-associates.com

SERVICE PROVIDED BY:  
SNYDER & ASSOCIATES, INC.

SURVEY LOCATED:  
EXISTING 14TH STREET R.O.W.  
ADJACENT TO LYON'S ADDITION &  
KEENE & POINDEXTER'S ADDITION  
SEC. 09-78-24

REQUESTED BY:  
14 WALNUT LLC



Doc ID: 033053540002 Type: PLT  
Kind: SURVEY  
Recorded: 06/11/2018 at 12:18:04 PM  
Fee Amt: \$12.00 Page 1 of 2  
Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2017-00095802

BK **16955** PG **890-891**

## PLAT OF SURVEY OF THE PROPERTY BEING CONVEYED BY THE CITY OF DES MOINES

### VACATION DESCRIPTION

ALL OF THE VACATED 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 16°02'13" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET, 133.42 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 30.00 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 15°50'11" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 133.38 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE NORTH 74°11'27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

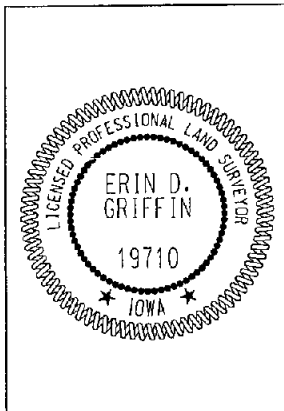
**DATE OF SURVEY**  
MAY 24, 2015

**OWNER**  
CITY OF DES MOINES  
ROW DIVISION  
400 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309

**BASIS OF BEARING**  
THE NORTH LINE OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES IS ASSUMED TO BEAR NORTH 74°11'27" EAST. *EX 6-4-18*

### LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #19710 (Unless Otherwise Noted)	●	○
ROW Rail	I	
Calculated Point	+	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	---	
Section Line	---	
1/4 Section Line	---	
1/4 1/4 Section Line	---	
Easement Line	---	



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 duly licensed Professional Land Surveyor under the laws of the State of Iowa.  
*Erin D. Griffin* 6/1/18  
Erin D. Griffin, PLS Date  
License Number 19710  
My License Renewal Date is December 31, 2019  
Pages or sheets covered by this seal:  
Sheets 1 and 2 of 2

<b>14TH STREET</b>	SHEET 1 OF 2
	PN: 116.0476
<b>PLAT OF SURVEY</b>	FLD BK: 987B PG: 67
	DATE: 04/09/18
	PM/TECH: EDG/SGK

2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

# PLAT OF SURVEY

## OF THE PROPERTY BEING CONVEYED BY THE CITY OF DES MOINES

Fnd Cut "X"  
5' Offset  
NE Corner Lot 2  
Keene & Poindexter's  
Original Plat

Fnd Cut "X"  
5' Offset  
NW Corner Lot 2  
Keene & Poindexter's  
Original Plat

Fnd 3/8" Rebar  
NE Corner  
Lot 1, Block 39

Retracement Survey  
(Book 15404, Page 248)

Pt. Lot 2  
KEENE &  
POINDEXTER'S  
ORIGINAL PLAT

Lot 1  
BLOCK 39  
LYON'S ADDITION  
TO FORT  
DES MOINES

Vacated 14th Street

14TH STREET

Fnd 1/2" Rebar, Bent  
1.46' North  
SW Corner  
Lot 2, Block 34  
Keene & Poindexter's  
Original Plat

SW Corner Lot 2,  
Keene & Poindexter's O.P.

Fnd Mag Nail  
SE Corner  
Lot 3, Block 34  
Keene & Poindexter's  
Original Plat



0 20



SCALE (FEET)

EVS 6-4-18

**14TH STREET**

**PLAT OF SURVEY**



2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

SHEET 2 OF 2

PN: 116.0476

FLD BK: 987B PG: 67

DATE: 04/09/18

PW/TECH: EDG/SGK

★ Roll Call Number  
18-1107

Date June 25, 2018

I, Laura Baumgartner, Chief Deputy City Clerk of the City of Des Moines, Iowa, do hereby certify that this is a true and correct copy of the original paper(s) filed in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal on this 21<sup>st</sup> day of June, 2018  
*Laura Baumgartner*  
Chief Deputy City Clerk

Agenda Item Number  
52

**HOLD HEARING FOR VACATION OF A PORTION OF 14<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1400 WALNUT STREET, AND CONVEYANCE TO 14 WALNUT LLC FOR \$1,000.00**

**WHEREAS**, on May 21, 2018, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission to approve a request from 14 Walnut LLC (owner), represented by Brian Roers (officer) for vacation of 14<sup>th</sup> Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street (“Property”) to accommodate private access and loading for the adjoining mixed use building located at 1400 Walnut Street subject to the following conditions:

- Reservation of all necessary easements for all existing utilities in place shall be provided until such time they are abandoned or are relocated; and
- Provision of a public access easement allowing vehicle and pedestrian traffic to utilize the route; and
- Provision of any curbing and/or barriers determined necessary by the City Engineer; and
- The brick surface within the vacated right-of-way shall be maintained by 14 Walnut LLC; and

**WHEREAS**, 14 Walnut LLC has offered to the City of Des Moines, Iowa, the purchase price of \$1,000.00 for the purchase of said Property in order to provide private access and loading for the adjoining mixed use building located at 1400 Walnut Street, which price reflects the fair market value of said Property as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the street right-of-way proposed to be vacated and sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property; and

**WHEREAS**, on June 11, 2018, by Roll Call No. 18-0983, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on June 25, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to vacate and convey 14<sup>th</sup> Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:



Date June 25, 2018

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of 14<sup>th</sup> Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said street right-of-way, legally described as follows, and said vacation is hereby approved:

ALL OF THE 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 16°02'13" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET, 133.42 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 30.00 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 15°50'11" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 133.38 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE NORTH 74°11'27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

3. The proposed sale of such vacated street right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, subject to a public access easement, subject to a building setback easement, subject to the City Engineer's requirement of any necessary curbing and/or barrier, and subject to the requirement that grantee maintain the brick surface within said vacated right-of-way, is hereby approved:

Grantee: 14 Walnut LLC

Consideration: \$1,000.00

Legal Description: ALL OF THE VACATED 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH, LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 74°11'27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 18-334)

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
 Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED <u>7-0-0</u> APPROVED <u>T. M. Franklin</u> Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk

18-1107 52



DES MOINES, CITY OF  
400 ROBERT D RAY DR  
  
DES MOINES IA 503091813

I, Laura Baumgartner, Chief Deputy City Clerk of the City of Des Moines, Iowa, do hereby certify that this is a true and correct copy of the original paper(s) filed in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal on this 21<sup>st</sup> day of June, 2018.  
*Laura Baumgartner*  
Chief Deputy City Clerk

### AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

#### THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

Ad No.	Start Date:	Run Dates:	Cost:
0002964531	6/14/18	06/14/18	\$53.65

Copy of Advertisement  
Exhibit "A"

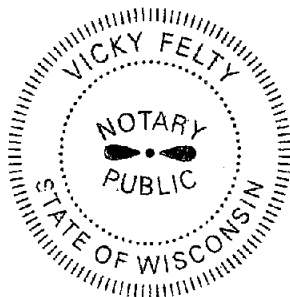
*Lana Konitz*  
Staff member, Register Media

Subscribed and sworn to before me by said affiant this

14th day of June, 2018

*Vicky Felty*  
Notary Public

*9-19-21*  
Commission expires



PO 10390; #53.65

**NOTICE OF PROPOSAL TO  
VACATE AND CONVEY  
CITY-OWNED PROPERTY**

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating 14th Street from Walnut Street to Falcon Drive, adjoining 1400 Walnut Street, Des Moines, Iowa, legally described as follows, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

ALL OF THE 14TH STREET RIGHT-OF-WAY LYING BETWEEN WALNUT STREET TO THE NORTH AND FALCON DRIVE TO THE SOUTH LOCATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, KEENE & POINDEXTER'S ORIGINAL PLAT TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; THENCE SOUTH 16°02'13" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET, 133.42 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 30.00 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 15°50'11" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 133.38 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE NORTH 74°11'27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 29.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (3,971 S.F.).

NOTICE IS FURTHER GIVEN, that the City Council of the City of Des Moines, Iowa, has adopted a resolution setting a hearing relating to a proposal that if the City Council first decides to vacate the above-described street right-of-way, then the City of Des Moines proposes to convey such vacated right-of-way, to 14 Walnut, LLC for \$1,000, subject to reservation of easements therein, and further subject to the terms and conditions contained in the Offer to Purchase.

NOTICE IS FURTHER GIVEN that the City Council will consider the adoption of the proposed vacation ordinance and approval of the proposed conveyance after a public hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, on June 25, 2018. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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