

Date July 15, 2013

RESOLUTION ACCEPTING DONATION OF LAND BY HUBBELL REALTY COMPANY AND DEDICATING THAT LAND AND ADDITIONAL ADJOINING CITY-OWNED LAND AS A PUBLIC ALLEY BETWEEN SW 8TH AND SW 9TH STREETS

WHEREAS, there is a segment of pavement extending between SW 8th and SW 9th Streets south of West Martin Luther King Jr. Parkway more specifically described below which appears to be an extension of Elm Street, but is actually a private driveway (the "Driveway") located on and along the property line between the parcels on the south at 333 SW 9th Street and 228 SW 8th Street owned by Hubbell Realty Company and the parcel on the north at 215 SW 9th Street acquired by the City for the construction of West Martin Luther King Jr. Parkway; and,

WHEREAS, the Driveway is needed for vehicular access to the adjoining parcels owned by the Hubbell Realty and the City; and,

WHEREAS, Hubbell Realty Company has offered to donate its portion of the Driveway to the City, if the City would dedicate the Driveway as a public alley; and,

WHEREAS, the City Manager recommends that the City accept the donation from Hubbell Realty Company and dedicate the Driveway as a public alley to provide vehicular access for the existing uses of the adjoining parcels owned by Hubbell Realty Company and for the future redevelopment of the City-owned parcel at 215 SW 9th Street.

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

1. The offer by Hubbell Realty Company to donate its portion of the Driveway to the City, if the City would dedicate the Driveway as a public alley, is hereby accepted and approved, subject to the conditions set forth below.
2. The Warranty Deed from Hubbell Realty Company for the conveyance to the City of the portion of the Driveway owned by Hubbell Realty Company and more specifically described as follows:

Parcel B:

Part of Lots 61, 64, and the West 13 feet of Lot 63 in Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County Iowa, more specifically described as:

Beginning at the Northwest corner of said Lot 61; thence North 74° (degrees) 13' (minutes) 55" (seconds) East, 156.00 feet along the North line of said Lot 61, 64 and 63 to the Northeast corner of the West 13 feet of said Lot 63; thence South 15°31'03" East, 15.62 feet along the East line of the West 13 feet of said Lot 63;

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thence South 74°40'03" West, 156.03 feet to the West line of said Lot 61; thence North 15°23'38" West, 14.43 feet along the West line of said Lot 61 to the point of beginning.

Parcel C:

Part of Lot 63 (except the West 13 feet thereof) in Factory Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County Iowa, more specifically described as:

Beginning at the Northeast corner of the West 13 feet of said Lot 63; thence North 74° (degrees) 13' (minutes) 55" (seconds) East, 131.65 feet along the North line of said Lot 63 to the Northwest corner of said Lot 63; thence South 15°15'27" East, 16.00 feet along the West line of said Lot 63; thence South 74°23'54" West, 131.58 feet to the East line of the West 13 feet of said Lot 63; thence North 15°31'03" West, 15.62 feet along the East line of the West 13 feet of said Lot 63 to the point of beginning.

is hereby approved and accepted, subject to receipt of evidence satisfactory to the City Legal Department demonstrating that such deed conveys marketable title to the City subject only to easements and restrictions of record which do not materially interfere with the use of such real estate as a public alley.

3. Upon determination by the City Legal Department that the said Warranty Deed conveys marketable title to the City subject only to easements and restrictions of record which do not materially interfere with the use of such real estate as a public alley, the City Clerk is hereby authorized and directed to certify to the City's acceptance of such deed, and to forward such deed and a certified copy of this resolution to the Real Estate Division for recording in the land records in the office of the Recorder of Polk County, Iowa.
4. Subject to the recording of such deed bearing the certification by the City Clerk to its acceptance by the City pursuant to this resolution, the Driveway more specifically described as follows is hereby dedicated as a public alley.

Parcels B and C, as described above; and,

Parcel A

Part of Lot 62 in Factory Addition, an Official Plat, and part of Lots 1 and 8 and the intervening alley in Block 7 of H.M. Hoxie's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County Iowa, more specifically described as:

Beginning at the Southwest corner of said Lot 62 in Factory Addition; thence North 15° (degrees) 19' (minutes) 14" (seconds) West, 16.28 feet

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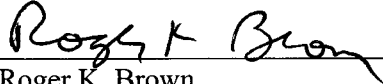
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along the West line of said Lot 62; thence North 74° 23'19" East, 282.31 feet to the East line of said Lot 1 in Block 7 of H.M. Hoxie's Addition; thence South 15°21'55" East, 15.50 feet along the East line of said Lot 1 to the Southeast corner of said Lot 1; thence South 74°13'55" West, 282.33 feet along the South lines of said Block 7 in H.M. Hoxie's Addition and Lot 62 in Factory Addition to the point of beginning.

(Council Communication No. 13- 359)

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk