



Date November 9, 2015

APPROVING PARTIAL RELEASE OF REAL ESTATE MORTGAGE

WHEREAS, on May 8, 2006, Eastgate Plaza, LLC gave a Mortgage on certain property to the City of Des Moines, a true copy of which is attached hereto as Exhibit A, filed in the office of the Polk County Recorder on June 6, 2006 at Book 11693, Page 35; and

WHEREAS, the legal description in said mortgage inadvertently included property that has been previously been conveyed to The Tierra Group by Limited Warranty Deed, a copy of which is attached hereto as Exhibit B, recorded on September 19, 1997, at Book 7728, Page 254 in the office of the Polk County Recorder conveying the following described property legally described as:

THE WEST 200 FEET OF LOT 5 (EXCEPT THE WEST 17.5 FEET THEREOF), BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLIK COUNTY, IOWA.

WHEREAS, the inclusion of the above described property in said mortgage lien constitutes a cloud on The Tierra Group's property, now owned by Victoria Land Partners, L.P., by virtue of Warranty Deed, attached hereto as Exhibit C, filed for record on December 28, 2007, at Book 12495, Page 123, in the office of the Polk County Recorder; and

WHEREAS, Victoria Land Partners, L.P. has requested said cloud be cleared; and

WHEREAS, attached hereto as Exhibit D is a Partial Release of Mortgage, releasing the portion of the property conveyed by said Limited Warranty Deed to The Tierra Group and subsequently conveyed to Victoria Land Partners, L.P. by said Warranty Deed; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Partial Release of Mortgage is hereby approved and the Mayor is authorized to execute the Partial Release of Mortgage as to the following described property and the City Clerk is directed to attest to his signature:

THE WEST 200 FEET OF LOT 5 (EXCEPT THE WEST 17.5 FEET THEREOF), BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLIK COUNTY, IOWA.



Roll Call Number

Agenda Item Number

35

Date November 9, 2015

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

(Council Communication No. 15-597)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ 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.

_____ City Clerk