



**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR ISSUANCE OF A CORRECTED QUIT CLAIM DEED CONVEYING EXCESS CITY PROPERTY LOCATED WEST OF AND ADJOINING 2003 CENTER STREET TO DAVID A. CLASON AND MARGARET J. CLASON, TRUSTEES OF THE DAVID A. CLASON AND MARGARET J. CLASON TRUST DATED OCTOBER 21, 2003**

**WHEREAS**, on July 28, 2008, by Roll Call No. 08-1309, the City Council of the City of Des Moines, Iowa voted to pass a resolution accepting and approving the Plat of Survey dedicating street right-of-way for the east/west and north/south segments of Martin Luther King, Jr. Parkway Project, and identifying the excess property for the Project; which Plat of Survey was subsequently filed of record with Polk County Recorder’s Office on August 1, 2008 in Book 12736, Page 582; and

**WHEREAS**, David A. Clason and Margaret J. Clason, Trustees of the David A. Clason and Margaret J. Clason Revocable Family Trust dated October 21, 2003, owner of 2003 Center Street, offered to the City of Des Moines (“City”) the purchase price of \$50.00 for the purchase of the portion of excess City property lying west of and adjoining its property at 2003 Center Street (hereinafter “Property”), for assemblage with 2003 Center Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, on August 23, 2021, by Roll Call No. 21-1367, the City Council of the City of Des Moines, Iowa approved the sale of the Property, and the Mayor signed the quit claim deed conveying the Property to David A. Clason and Margaret J. Clason, Trustees of the David A. Clason and Margaret J. Clason Revocable Family Trust dated October 21, 2003, which quit claim deed was subsequently filed of record with the Polk County Recorder's Office in Book 18721, Page 962; and

**WHEREAS**, after recording said quit claim deed, an error was discovered in the legal description, leading to the need to issue a Corrected Quit Claim Deed; and

**WHEREAS**, there is no known current or future public need or benefit for the City Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

**WHEREAS**, on October 4, 2021, by Roll Call No. 21-1473, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed corrected conveyance of the excess City property be set for hearing on October 18, 2021, 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 correct the conveyance of the Property 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 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the excess City property lying west of and adjoining 2003 Center Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the excess City property lying west of and adjoining 2003 Center Street, Des Moines, Iowa, legally described as follows, to David A. Clason and Margaret J. Clason, Trustees of the David A. Clason and Margaret J. Clason Revocable Family Trust dated October 21, 2003, and said conveyance is hereby approved, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:  

ALL THAT PART OF DISPOSAL PARCEL 8 LYING WITHIN LOTS 5 AND 6, BLOCK E, LEYNER'S PLAT OF TOWN LOTS AND STREETS, AN OFFICIAL PLAT, SAID DISPOSAL PARCEL 8 BEING ON PLAT OF SURVEY RECORDED IN BOOK 12736 PAGE 582 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.03 ACRES (1,341 SQUARE FEET).
3. The Mayor is authorized and directed to sign the Corrected Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Corrected 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Corrected 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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Corrected Quit Claim Deed and a copy of the other documents to the grantee.
7. There are no proceeds associated with this conveyance.



Roll Call Number

21-1588

Agenda Item Number

45

Date October 18, 2021

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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

*J. M. Franklin Cowan*  
Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

*P. Kay Cmelik*  
City Clerk