

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**


Item No. _____
For Meeting of 01/04/2010

ITEM TITLE: Consideration of resolution accepting a Quit Claim from Vision Bank for right-of-way adjacent to 6500 University Avenue. (Note: This is being done to correct an earlier error in the legal description.)

CONTACT PERSON(S): Marketa George Oliver, City Administrator

SUMMARY EXPLANATION

Attached is a quit claim deed for sections of right-of-way adjacent to 6500 University. This is necessary to correct an error in the legal description of that property that was recently discovered when Vision Bank took ownership.

<input checked="" type="checkbox"/> Resolution _____ Ordinance ____ Contract __ Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____ <div style="text-align: center;"> City Administrator</div>

STAFF RECOMMENDATION: By motion and roll call vote, approve the resolution.

COUNCIL ACTION:

RESOLUTION NO. 10-0104/

A RESOLUTION ACCEPTING A QUIT CLAIM DEED FROM VISION BANK FOR RIGHT-OF-WAY
PROPERTY ADJACENT TO 6500 UNIVERSITY AVENUE

WHEREAS, the City of Windsor Heights pursued the redevelopment and enhancement of the Town Center area;

WHEREAS, part of that redevelopment was a redevelopment agreement with K.C. Holdings for property located at 6500 University Avenue; and

WHEREAS, the ownership of said property was recently transferred to Vision Bank; and

WHEREAS, a correction was needed in the legal description for adjacent right-of-way; and

WHEREAS, Vision Bank has executed a quit claim deed to make the legal description correction.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Windsor Heights, Iowa, that the City does hereby accept the quit claim deed for the property that is detailed in the attached deeds.

PASSED AND APPROVED THIS 4th DAY OF JANUARY, 2010.

David J. Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

COPY



Doc ID: 023023310003 Type: GEN
Recorded: 11/17/2009 at 03:20:53 PM
Fee Amt: \$24.00 Page 1 of 3
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2010-00042123

BK 13280 PG 55-57

After Recording Return To: City of Windsor Heights, 1133 66th St., Windsor Heights, Iowa 50311
Prepared by: Mark V. Hanson, Attorney at Law, Whitfield & Eddy, P.L.C. 317 Sixth Ave. Ste. 1200, Des Moines, Iowa 50309-4110 / (515) 288-6041

QUIT CLAIM DEED

Taxpayer Information: City of Windsor Heights
Address: 1133 66th St.,
Windsor Heights, Iowa 50311

Attached for recording is the following Document

Quit Claim Deed

Grantor: VisionBank of Iowa
c/o James Davids
925 Gateway Dr.
Grimes, Iowa 50111

Grantee: City of Windsor Heights
1133 66th St.,
Windsor Heights, Iowa 50311

Legal Description: See Page 3

After Recording Return To:
City of Windsor Heights
1133 66th St.,
Windsor Heights, Iowa 50311

Prepared by:
Mark V. Hanson,
Whitfield & Eddy, P.L.C., 317 Sixth Ave., Ste. 1200
Des Moines, Iowa 50309-4110 515-288-6041

Address Tax Statement To: City of Windsor Heights, 1133 66th St., Windsor Heights, Iowa 50311

QUIT CLAIM DEED

For the consideration of one Dollar(s), I (we)
VisionBank of Iowa, Grantor(s)
Address: Attn: James Davids, 925 Gateway Dr., Grimes, Iowa 50111 ;
hereby quitclaim to City of Windsor Heights, a municipal corporation organized under the laws of the State of Iowa ,
Grantee(s);
Address: 1133 66th St., Windsor Heights, Iowa 50311 ;
all its right, title, and interest including dower, homestead and distributive share if applicable, to the following tract of real
estate located in Polk County, Iowa, to wit:

See Exhibit A, attached

Deed given to clear title to street right-of-way.

This transfer is exempt under Iowa Code Section 428A.2 Subsection 6 Municipality Grantee, no consideration
VisionBank of Iowa

Dated: 11/12, 2009

By: Signature - [Signature]
Grantor type or print name - James Davids
Title Chief Credit Officer

Dated: 11/12, 2009

By: Signature - [Signature]
Grantor type or print name - Troy Strother
Title Sk. Vice President

STATE OF Iowa, COUNTY OF Polk, ss:
On this 12th day of November, 2009, before me, the undersigned, a
Notary Public in and for the State of Iowa, personally appeared James Davids and
Troy Strother
to me personally known, who being by me duly sworn or affirmed did say that that person(s) is (are) the
Chief Credit Officer and Sk. Vice President
of said corporation; and that said instrument was signed on behalf of said corporation by authority of
its board of directors; and that the said individual(s), as such officer(s), acknowledged the execution
of said instrument to be the voluntary act and deed of said corporation, by it and by him/her voluntarily
executed.

[Signature]
Notary Public in the State of Iowa
Print Name if not on ink seal
My Commission Expires 4-26-2010
My Commission Number 709573

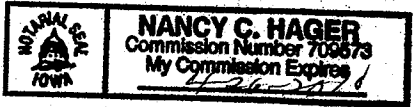


EXHIBIT A

Quit Claim Deed from VisionBank of Iowa to City of Windsor Heights.

That part of Lot 1, Cooper Place, an Official Plat, included in and forming a part of the City of Windsor Heights, Polk County, Iowa as described as "Additional Right-of-Way on the Acquisition Plat recorded September 18, 2003, in Book 10159 Page 668, in the Office of the Polk County Recorder

and

That part of Lot 2, Cooper Place, an Official Plat, included in and forming a part of the City of Windsor Heights, Polk County, Iowa as described as "Additional Right-of-Way" on the Acquisition Plat recorded September 18, 2003, in Book 10159 Page 670, in the Office of the Polk County Recorder

and

That part of Lot 3, Cooper Place, an Official Plat, included in and forming a part of the City of Windsor Heights, Polk County, Iowa as described as "Additional Right-of-Way" on the Acquisition Plat recorded September 18, 2003, in Book 10159 Page 667, in the Office of the Polk County Recorder

and

That part of Lot 3 and Lot 4, Cooper Place, an Official Plat, included in and forming a part of the City of Windsor Heights, Polk County, Iowa as described as "Additional Right-of-Way" on the Acquisition Plat recorded September 18, 2003, in Book 10159 Page 666, in the Office of the Polk County Recorder

and

That part of Lot 4, Cooper Place, an Official Plat, included in and forming a part of the City of Windsor Heights, Polk County, Iowa as described as "Additional Right-of-Way" on the Acquisition Plat recorded September 18, 2003, in Book 10159 Page 665, in the Office of the Polk County Recorder