

Resolution No. 15-0326

A RESOLUTION ACCEPTING THE WARRANTY DEED FROM HURD WINDSOR, LLC AND KNAPP WINDSOR, LLC TO THE CITY OF WINDSOR HEIGHTS

WHEREAS, the City of Windsor Heights desires to acquire the real property encompassing the right-of-way along 63rd Street and Hickman Road, more particularly described in the attached Exhibit A (the “Property”), in order to complete the City’s streetscape project; and

WHEREAS, Hurd Windsor, LLC and Knapp Windsor, LLC, each owning a 50% tenant in common interest in the Property, have executed a warranty deed, attached hereto as Exhibit B, transferring the Property to the City of Windsor Heights; and

WHEREAS, the City Council wishes to accept the afore-mentioned deed in order to effectuate the purposes set forth above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINDSOR HEIGHTS, IOWA, as follows:

1. The warranty deed attached hereto as Exhibit B is hereby accepted by the City of Windsor Heights, Iowa.
2. The Mayor and City Administrator are hereby authorized and directed to deliver the deed to the Polk County Recorder to be recorded in the permanent real estate records of Polk County, Iowa, and for such other action is necessary to effectuate the transfer of the Property to the City.

Passed and Approved this 16th day of March, 2015.

Diana Willits, Mayor

ATTEST:

Brett Klein, City Administrator

EXHIBIT A

A tract of land located in part of Lots 1 and 2, Suburban Farms, an Official Plat, now included in and forming a part of the City of Windsor Heights, Iowa, lying South and West of new road right-of-way. Said tract being more particularly described as follows:

Commencing as a point of reference at the Northwest corner of the East 35.00 feet of said Lot 2; thence South $00^{\circ}10'58''$ West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 32.53 feet along the West line of said East 35.00 feet of Lot 2 to the new South right-of-way of Hickman Road; thence South $84^{\circ}15'43''$ East, a distance of 2.36 feet along said South right-of-way; thence South $89^{\circ}58'21''$ East, a distance of 122.16 feet along said South right-of-way to the point of beginning; thence continuing South $89^{\circ}58'21''$ East, a distance of 13.76 feet along said South right-of-way; thence Southeasterly, a distance of 39.24 feet along a curve concave to the Southwest, having a radius of 25.00 feet, a central angle of $89^{\circ}55'20''$ and a chord bearing of South $45^{\circ}00'42''$ East, a distance of 35.33 feet along said South right-of-way of Hickman Road to the new West right-of-way of 63rd Street; thence South $00^{\circ}03'02''$ East, a distance of 15.04 feet along said West right-of-way; thence North $44^{\circ}04'56''$ West, a distance of 55.71 feet to the point of beginning.

Containing 641 square feet, more or less.

AND

A tract of land located in part of Lots 1, 2, 3, 4, 5 and 6, Suburban Farms, an Official Plat, now included in and forming a part of the City of Windsor Heights, Polk County, Iowa. Said plat more particularly described as follows:

Commencing as a point of reference at the Northwest corner of said Lot 6; thence South $89^{\circ}56'06''$ East (all bearings referenced to the Grid North Iowa State Plane Coordinate System South Zone), a distance of 70.00 feet along the North line of said Lot 6 to the East line of the West 70.00 feet of the North 395.00 feet of said Lot 6; thence South $00^{\circ}03'54''$ West a distance of 2.50 feet along said East line to the existing South right-of-way of Highway 6, said point being the point of beginning; thence South $89^{\circ}56'06''$ East, a distance of 583.00 feet along said South right-of-way; thence North $00^{\circ}04'07''$ East, a distance of 2.89 feet to the North line of said Lot 2 along said right-of-way; thence South $89^{\circ}55'53''$ East, a distance of 85.27 feet along said North line and along said right-of-way; thence South $00^{\circ}10'58''$ West, a distance of 5.27 feet along the East line of said Lot 2 to said right-of-way; thence South $89^{\circ}55'13''$ East, a distance of 168.13 feet along said right-of-way to the East line of said Lot 1; thence South $00^{\circ}03'02''$ East, a distance of 324.93 feet along said East line to the South line of the North 130.00 feet of the South 300.00 feet of the South 500.00 feet of said Lot 1; thence North $89^{\circ}58'26''$ West, a distance of 5.00 feet along said South line; thence North $00^{\circ}03'02''$ West, a distance of 272.62 feet; thence Northwesterly, a distance of 39.24 feet along a curve concave to the Southwest, having a radius of 25.00 feet, a central angle of $89^{\circ}55'20''$ and a chord bearing a North $45^{\circ}00'42''$ West, a

distance of 35.33 feet; thence North 89°58'21" West, a distance of 135.92 feet; thence North 84°15'43" West, a distance of 120.70 feet; thence North 89°58'28" West, a distance of 311.91 feet; thence South 00°13'30" West, a distance of 0.78 feet; thence South 46°57'26" West, a distance of 13.48 feet; thence South 00°00'00" West, a distance of 28.51 feet; thence North 89°57'14" West, a distance of 66.07 feet; thence North 48°23'50" West, a distance of 39.87 feet; thence North 89°54'35" West, a distance of 124.89 feet; thence North 84°13'46" West, a distance of 8.60 feet to said East line of the West 70.00 feet of the North 395.00 feet of Lot 6; thence North 00°19'56" East, a distance of 29.34 feet along said East line to the point of beginning.

Containing 24,214 square feet, more or less.

EXHIBIT B

Prepared by: Erin M. Clanton, Attorney at Law, 6701 Westown Parkway, Suite 100, West Des Moines, IA (515) 274-1450
Address Tax Statement: City of Windsor Heights, 1145 66th Street, Suite 1, Windsor Heights, Iowa 50324

WARRANTY DEED

For the consideration of One Dollar(s) and other valuable consideration, HURD LAND COMPANY, L.L.C., an Iowa limited liability company, does hereby convey to the CITY OF WINDSOR HEIGHTS, IOWA, and Iowa municipal corporation, all of its right, title, interest, estate, claim and demand in the following described real estate in Polk County, Iowa:

See attached EXHIBIT A,

subject to any easements, covenants and restrictions of record.

This deed is exempt according to Iowa Code §428A.2(6).

Grantors do hereby covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and Convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the number, and as masculine or feminine gender, according to the context.

Dated: _____

HURD LAND COMPANY, L.L.C

By: _____
Its: _____

STATE OF IOWA)
)ss:
COUNTY OF POLK)

On the ____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the State of Iowa, did appear _____, who being duly sworn, did say that s/he is the Manager of said limited liability company; that said instrument was signed on behalf of said limited liability company; and that s/he as Manager, acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company, by it voluntarily executed.

Notary Public in and for the State of Iowa

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